

386B.12-070 Duty and liability of trust director.

- (1) Subject to subsection (2) of this section, with respect to a power of direction or further power under KRS 386B.12-050(2)(a):
 - (a) A trust director has the same fiduciary duty and liability in the exercise or nonexercise of the power:
 1. If the power is held individually, as a sole trustee in a like position and under similar circumstances; or
 2. If the power is held jointly with a trustee or another trust director, as a cotrustee in like position and under similar circumstances; and
 - (b) The terms of the trust may vary the director's duty or liability to the same extent the terms of the trust could vary the duty or liability of a trustee in a like position and under similar circumstances.
- (2) Unless the terms of a trust provide otherwise, if a trust director is licensed, certified, or otherwise authorized or permitted by law other than the provisions of KRS 386B.12-010 to 386B.12-170 to provide health care in the ordinary course of the director's business or practice of a profession, to the extent the director acts in that capacity, the director shall have no duty or liability under KRS 386B.12-010 to 386B.12-170.
- (3) The terms of a trust may impose a duty or liability on a trust director in addition to the duties and liabilities under this section.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 134, sec. 76, effective July 15, 2026.