



Kentucky Bankers Association

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2020 Session in Summary Bills Passed that Affect Banking

Senate Bill 55. Creates a working group to study the feasibility of the use of blockchain technology for protecting certain state infrastructure, etc.

Senate Bill 150. This bill contains a variety of emergency provisions for effectiveness during the Covid-19 emergency. The most relevant to bankers is Section 11, which provides that acknowledgment or notarization may be done as if the notary and the individual were in the presence of one another if they can communicate via video teleconference. Documents so executed can be notarized in counterparts as one document.

House Bill 150. Creates a new Subtitle 1 or KRS Chapter 304 which provides that a statement or restatement of the law shall not constitute the public policy of Kentucky and shall not be treated as controlling authority. Common law is deemed to have been adopted in the absence of a Constitutional or statutory provision.

House Bill 154. Creates a new KRS Chapter 390 allowing for powers of appointment. Power of appointment are often confused with, but is significantly different from a power of attorney. A power of appointment provides the appointee with specific or general powers over specified property for the benefit of individuals usually specified in trust or estate. Education will be providing additional information regarding the verification of these appointments in future programs.

House Bill 155. Of importance to banks, this creates a new section of KRS Chapter 396 which provides that creditors must present claims within 6 months after appointment of a personal representative. The clerk of the probate court will publish notice under KRS 424.340. A personal representative may, but is not required to, provide actual notice which will allow a creditor only 60 days to present claim. KRS 396.011 is amended to provide that all other claims against a decedent's estate will be barred unless brought within eight months of decedent's death.

House Bill 156. Adopts the Uniform Fiduciary Access to Digital Assets Act. This may be of interest to member banks with a significant trust department.

House Bill 195. Allows local governments to publish required notices in accordance with newspaper publishing laws or by posting on a publicly accessible website operated by the local government.

House Bill 236. Allows the Department of Agriculture to establish hemp testing procedures. Sets forth requirements for transportation of hemp and hemp products. Make technical corrections, specify licensure requirements and specify unlawful conduct. Should clarify some issues for hemp producers.

House Bill 378. Amends KRS 186A.520 to provide that a salvage title application between owner and insurer is exempt from notarization requirements.

House Bill 411. Amends KRS 186A.190 regarding notations and discharges of security interest on a certificate of title. County of residence designated by the debtor in the titling process shall be relied upon and that the reliance shall relieve creditors and other parties from liability from third parties. Also establishes that a security interest is perfected at the time the security interest attaches as provided in KRS 355.9-203, if in compliance with KRS 186A.195(5), when the title lien statement is received by the county clerk with all mandatory information.

House Bill 414. Amends KRS 367.461 regarding use of automated calling equipment to include use of an artificial voice in the exemption provisions and adds an additional exemption for calls made by automatic calling equipment to place calls to publicly available phone numbers of businesses.