

286.3-900 Definitions of terms used in this section and KRS 286.3-905 -- Acquisition of in-state banks -- Limitations -- In-county merger or consolidation.

- (1) For purposes of this section and KRS 286.3-905:
 - (a) "Bank" means any institution organized under this subtitle, the banking laws of another state, or the National Bank Act, as amended, to do a banking business;
 - (b) "Bank holding company," "company," and "control" have the meanings accorded them in the Federal Bank Holding Company Act of 1956, as amended (12 U.S.C. secs. 1841 et seq.). "Control" may be acquired by acquisition of voting securities, by purchase of assets, by merger or consolidation, by contract, or otherwise;
 - (c) "Individual" means a natural person, partnership, association, business trust, voting trust, or similar organization. "Individual" does not include a corporation; and
 - (d) "Deposit" has the meaning accorded it in the Federal Deposit Insurance Act, as amended, and regulations promulgated thereunder; excluded, however, from deposits are all interbank deposits and all deposits in foreign branches and international banking facilities, as shown in the reports made by all federally insured depository institutions to their respective supervisory authorities.
- (2) No individual or bank holding company wherever located may acquire control of any bank or bank holding company if, upon the acquisition, the individual or bank holding company would control banks in this state holding more than fifteen percent (15%) of the total deposits and member accounts in the offices of all federally insured depository institutions in this state as reported in the most recent June 30 quarterly report made by the institutions to their respective supervisory authorities which are available at the time of the acquisition.
- (3) The limitations set forth in this section or any other provision of this subtitle or any administrative regulation promulgated thereunder, as now in effect or amended after July 13, 1984, shall not apply to the acquisition of a bank if, in his or her discretion, the commissioner, if the bank is organized under the laws of this state, or the comptroller of the currency, if the bank is a national bank, determines that an emergency exists and the acquisition is appropriate in order to prevent the probable failure of the bank which is closed or is in danger of closing.
- (4) The provisions of this section shall not be construed to prohibit or restrict the merger or consolidation of banks or bank holding companies having their principal places of business in the same county and the operation by the merged or consolidated corporation of the banks, nor to prohibit the sale of any bank or bank holding company to, and the purchase thereof by, any other bank or bank holding company with its principal place of business in the same county and the operation of the bank as a branch so long as the provisions of KRS 286.3-180(4) have been satisfied.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 651, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 112, sec. 2, effective June 21, 2001. -- Amended

2000 Ky. Acts ch. 135, sec. 3, effective July 14, 2000; and ch. 279, sec. 6, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 338, sec. 19, effective July 15, 1996, retroactive in part to September 29, 1995. -- Amended 1992 Ky. Acts ch. 226, sec. 2, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 444, sec. 12, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 130, sec. 1, effective July 13, 1984.

Formerly codified as KRS 287.900.

Legislative Research Commission Note (7/12/2006). In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.

Legislative Research Commission Note (7/15/96). This statute, as amended by 1996 Ky. Acts ch. 338, sec. 19, is retroactive to September 29, 1995. See 1996 Ky. Acts ch. 338, sec. 22.

Legislative Research Commission Note (7/14/2000). This section was amended by 2000 Ky. Acts chs. 135 and 279. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 279, which was last enacted by the General Assembly, prevails under KRS 446.250.