

Property On Loan To Museums

171.830. Definitions for KRS 171.830 to 171.849.

As used in KRS 171.830 to 171.849, unless the context otherwise requires:

- (1) "Loan" means a deposit of property in a museum not accompanied by a transfer of title to the property, whether or not such deposit is accompanied by an oral or written agreement or other documentation;
- (2) 'Museum' means an institution located in Kentucky and operated by a nonprofit corporation, the Commonwealth of Kentucky, a city, a county, an urban-county, or a charter county, primarily for educational, scientific, aesthetic, historic, or preservation purposes, and which owns, cares for, exhibits, studies, archives, or catalogues property. Museums shall include, but not be limited to, traditional museums, historical societies, historic sites or landmarks, parks, monuments, and libraries;
- (3) "Museum records" means documents created or held by a museum in its regular course of business;
- (4) 'Property' means a tangible object, under a museum's care, which has intrinsic historic, artistic, scientific, or cultural value; and
- (5) "Tangible objects" shall include, but not be limited to, manuscripts, letters, correspondence, writings, notes, ledgers, accounts, charts, maps, photographs, drawings and similar renderings, and personal property, regardless of the medium in which an object is held.

(Enact. Acts 1996, ch. 368, § 1, effective July 15, 1996.)

171.833. Notification of provisions of KRS 171.830 to 171.849 to owner-lender by museum.

No later than forty-five (45) days after a museum receives a loan of property, the museum shall mail the provisions of KRS 171.830 to 171.849 to the owner, by certified mail, return receipt requested. (Enact. Acts 1996, ch. 368, § 2, effective July 15, 1996.)

171.936. Museum's ability to acquire title to property held by loan or otherwise.

- (1) If property is on loan to a museum pursuant to a loan agreement and the loan term expires, then the museum may initiate proceedings, pursuant to KRS 171.840, to cause title to the property to vest in the museum.
- (2) After a museum has held property for seven (7) years, other than by the terms of a loan agreement, that museum may initiate proceedings, pursuant to KRS 171.840, to cause title to the property to vest in the museum.
- (3) This section shall be retroactive.

(Enact. Acts 1996, ch. 368, § 3, effective July 15, 1996.)

171.840. Procedure to acquire title under KRS 171.936.

- (1) After the provisions of KRS 171.836(1) or (2) have been met, a museum may initiate proceedings pursuant to this section to cause title to the property to vest in the museum.
- (2)
 - (a) The museum shall attempt to notify the owner, pursuant to this subsection, of its intention to gain title to the property.
 - (b) The museum shall rely on its own records to determine the most recent address of the last known owner. The property ownership have the responsibility of noticing the museum in writing of the property owner's change of address or a change in ownership of the property.
 1. Except as provided in subparagraph 2. of this paragraph, the museum shall mail, by certified mail, return receipt requested, the notice, described in paragraph (d) of this subsection, to the last known owner's last known address.
 2. If the museum is unable to identify either a last known owner or an address for that person, the museum shall follow the procedures in paragraph (c) of this subsection to provide notice.
 - (c) If the museum is unable to locate the owner of the property pursuant to paragraph (b) of this subsection, the museum shall follow the publication requirements of this paragraph. The museum shall publish the notice, described in paragraph (d) of this subsection, at least twice each week for two (2) consecutive weeks:
 1. In a newspaper published in Kentucky with statewide circulation;
 2. In a newspaper published, and with statewide circulation, in the state of the last known address of the last known owner, if that state is known. If the last known address of the last known owner is in Kentucky, the notice shall still be published in two (2) newspapers of statewide circulation; and
 2. In a newspaper of less than statewide circulation published in the local area from which the museum acquired the property.
 - (d) The notices referred to in this subsection shall contain:
 1. The museum's name, address, and telephone number;
 2. A detailed description of the property;
 3. The last known owner's name, if that information is available;
 4. The last known owner's last known address, if that information is available;
 5. A request that all persons who may have any knowledge of the whereabouts of the owner contact the museum and provide the information; and
 6. A statement that if written assertion of title is not presented to the museum within six (6) months from the date of the final published notice, the title to the property shall vest in the museum. subject to KRS 171.843. (Enact. Acts 1996, ch. 368, § 4, effective July 15, 1996.)

171.843. Vesting of title in museum when no assertion presented after published notice.

- (1) If no written assertion of title has been presented to the museum within six (6) months from the date of the final published notice, title to the property shall vest in the museum free from all claims of the owner and all persons claiming under the owner.

- (2) If title to property has vested in a museum pursuant to this section, a person who acquires that property from a museum also acquires good title.
(Enact. Acts 1996, ch. 368, § 5, effective July 15, 1996.)

171.846. Conservation measures for property on loan to museum.

- (1) Unless there is a written loan agreement to the contrary, a museum may apply conservation measures to property on loan to the museum pursuant to this section.
- (2) The museum may apply conservation measures pursuant to this section if action is required to protect the property on loan or other property in the custody of the museum, or if the property on loan is a hazard to the health and safety of the public or the museum staff, and the circumstances described in paragraphs (a) and (b) of this subsection exist.
- (a) The museum attempts to locate the owner of the property using the method described in KRS 171.840(2)(b)(c), and (d), 2., 3., 4., and in 5. The required notice shall also state the proposed conservation measures, seek the owner's permission to proceed with the conservation measures, and inform the owner that if he does not come forward within fourteen (14) days after the last published notice and agree to the proposed conservation measures or retrieve the property within seven (7) days after coming forward, then the museum shall proceed with the proposed conservation measures.
- (b) The owner fails to agree to the proposed conservation measures or to retrieve his property within the time periods specified in paragraph (a) of this subsection.
- (3) If a museum applies conservation measures pursuant to this section, the museum:
- (a) Shall acquire a lien on the property in the amount of the costs incurred by the museum; and
- (b) Shall not be liable for injury or loss of the property if the museum:
1. Had a reasonable belief at the time the conservation occurred that the conservation was necessary to protect the property on loan or other property in the custody of the museum, or that the property on loan was a hazard to the health and safety of the public or the museum staff, and
 2. Exercised reasonable care in the choice and application of conservation measures.

(Enact. Acts 1996, ch. 368, § 6, effective July 15, 1996.)

171-849. Kentucky Historical Society to promulgate administrative regulations to implement I:CM 171.830 to 171.849.

The Kentucky Historical Society shall implement the provisions of KRS 171.830 to 171.849 through the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A. (Enact. Acts 1996, ch. 368, § 7, effective July 15, 1996.)