

164A.305 Definitions for KRS 164A.300 to 164A.380.

As used in KRS 164A.300 to 164A.380, except where the context clearly requires another interpretation:

- (1) "Act" means the Kentucky Educational Savings Plan Trust Act codified at KRS 164A.300 to 164A.380;
- (2) "Administrative fund" means the funds used to administer the Kentucky Educational Savings Plan Trust;
- (3) "Beneficiary" means:
 - (a) Any person designated at the commencement of participation by a participation agreement to benefit from payments for higher education costs at an institution of higher education;
 - (b) The new beneficiary, in the case of a change of beneficiaries pursuant to KRS 164A.330(4); or
 - (c) The scholarship recipient, in the case of a participation agreement entered into as part of a scholarship program operated by a state or local government organization or an organization described in Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. sec. 501(c)(3), that is exempt from federal income taxation pursuant to Section 501(a) of that code;
- (4) "Benefits" means the payment of higher education costs on behalf of a beneficiary by the savings plan trust during the beneficiary's attendance at an institution of higher education;
- (5) "Board" means the board of directors of the Kentucky Higher Education Assistance Authority;
- (6) "Higher education costs" means the costs specified in section 529(e)(3) of the Internal Revenue Code of 1986 as amended for attendance at an institution of higher education as determined and certified by the institution of higher education in the same manner as prescribed in Title IV of the Higher Education Act of 1965, 20 U.S.C. sec. 10871l, as amended;
- (7) "Institution of higher education" means an institution as defined in Section 529(e)(5) of the Internal Revenue Code of 1986, as amended;
- (8) "Kentucky Educational Savings Plan Trust" or "savings plan trust" means the trust created pursuant to KRS 164A.310;
- (9) "Participant" means an organization described in Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. sec. 501(c)(3), that is exempt from federal income taxation pursuant to Section 501(a) of that code, an individual, firm, corporation, a state or local government organization, or a legal representative of any of the foregoing who has entered into a participation agreement pursuant to KRS 164A.300 to 164A.380 for the advance payment of higher education costs on behalf of a beneficiary;
- (10) "Participation agreement" means an agreement between a participant and the savings plan trust, pursuant to and conforming with the requirements of KRS 164A.300 to 164A.380;

- (11) "Program administrator" means the administrator of the savings plan trust appointed by the board to administer and manage the trust;
- (12) "Program fund" means the program fund established by KRS 164A.335 which shall be held as a separate fund within the savings plan trust;
- (13) "Tuition" means the quarterly or semester charges imposed to attend an institution of higher education and required as a condition of enrollment;
- (14) "Vested participation agreement" means a participation agreement which has been in full force and effect during eight (8) continuous years of residency of the beneficiary in the Commonwealth while participating in the savings plan trust.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 382, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 132, sec. 3, effective March 26, 1998. -- Amended 1996 Ky. Acts ch. 11, sec. 1, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 190, sec. 3, effective July 14, 1992. -- Created 1988 Ky. Acts ch. 88, sec. 2, effective July 15, 1988.