**COMMONWEALTH OF KENTUCKY**
**OFFICE OF THE ATTORNEY GENERAL**

**RUSSELL COLEMAN**
**ATTORNEY GENERAL**

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**FRANKFORT, KY 40601**
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July 1, 2026

*VIA HAND-DELIVERY*

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:300. Automated calling equipment operators
40 KAR 12:310. Telemarketing companies
40 KAR 12:420. Recreational and retirement use land sellers

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:300, 40 KAR 12:310, and 40 KAR 12:420, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: ______________________
Stephen B. Humphress, Executive Director
Kentucky Office of Regulatory Relief
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
502-696-5481
Email: steve.humphress@ky.gov

Attachments

**Subcommittee Substitute**

**OFFICE OF ATTORNEY GENERAL**
**Office of Regulatory Relief**
**(Amendment)**

**40 KAR 12:300. [~~Issuance of permit to use automated~~]Automated calling equipment operators.**

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.469
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.469 requires the Attorney General to promulgate an administrative regulation to establish an automated calling equipment use permit application. KRS 367.469(1) requires an automated calling equipment operator to file a surety bond. KRS 367.469(2) ***requires [~~authorizes~~]***the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.461 to 367.469. This administrative regulation establishes an online permit application, an online permit renewal application***,*** and a surety bond form to be used by automated calling equipment operators[~~Sets forth the basis for issuance of permit to use automated calling equipment in the Commonwealth of Kentucky~~].

Section 1. Automated Calling Equipment Operator Permit Application.
(1) An operator shall not use automated calling equipment to call Commonwealth of Kentucky resident telephone numbers unless the Attorney General approves the operator's permit application in accordance with this administrative regulation. An applicant shall submit an online permit application using the ***[~~"~~]***Automated Calling Equipment Operator Permit application portal***[~~"~~]*** available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.
(2) To complete an online application, an applicant shall submit:
(a) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and
(b) A completed Automated Calling Equipment Operator Surety Bond, Form T-4, a completed surety bond complying with KRS 367.469; or
***(c) An*** alternate form of surety acceptable to the Attorney General.
(3)
(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if the applicant fails to timely complete the application by not paying the application fee or not providing requested information or required documents.

[~~(1)~~] [~~An "Application Form for Permit to Use Automated Dialing Equipment" shall be filed with the Office of the Attorney General.~~]

[~~(2)~~] [~~The Office of the Attorney General may verify the information contained in an application.~~]

[~~(3)~~] [~~An application that contains false or incomplete statements shall be denied.~~]

Section 2. Automated Calling Equipment Operator Permit Renewal Application.

(1) An approved automated calling equipment operator permit or renewal shall be valid for one (1) year from the written confirmation date of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current permit, an automated calling equipment operator may renew its permit. Permit renewal shall be accomplished by submitting an online renewal application using the *[~~"~~]*Automated Calling Equipment Operator Permit Renewal application portal*[~~"~~]* available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) To complete the online renewal application portal, a permit holder shall submit a completed Automated Calling Equipment Operator Surety Bond, Form T-4, a completed surety bond complying with KRS 367.469, or an alternate form of surety acceptable to the Attorney General, if a prior submitted surety bond or surety is no longer current.

(4)

(a) A permit holder shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any renewal application if a permit holder fails to timely complete the application by not submitting requested information or documents.

(5) Any permit renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any permit renewal and shall not prevent subsequent proceedings against a permit holder.

[~~(1)~~] [~~The surety bond required by KRS 367.469 shall be in favor of the Attorney General's Division of Consumer Protection.~~]

[~~(2)~~] [~~It shall be held for compensation to consumers if an applicant or permittee:~~]

[~~(a)~~] [~~Becomes insolvent or bankrupt; or~~]

[~~(b)~~] [~~Is unavailable, unable, or unwilling to:~~]

[~~1.~~] [~~Address consumer complaints; or~~]

[~~2.~~] [~~Satisfy claims for restitution or civil penalties under the provisions of KRS Chapter 367.~~]

Section 3. Written Notification of Material Changes. A permit holder shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the original application, any renewal application, application attachments, or prior written notices.[~~Issuance, Renewal of Permit.~~]

[~~(1)~~] [~~A permit shall be issued if:~~]

[~~(a)~~] [~~An applicant has filed an "Application Form for Permit to Use Automated Dialing Equipment" with the Office of the Attorney General;~~]

[~~(b)~~] [~~The application form contains the required information; and~~]

[~~(c)~~] [~~The Office of the Attorney General has verified that the requirements of KRS Chapter 367 have been met.~~]

[~~(2)~~] [~~A permit shall be valid for one (1) year.~~]

[~~(3)~~] [~~A request for renewal of a permit shall be:~~]

[~~(a)~~] [~~Made on the "Application Form for Permit to Use Automated Dialing Equipment"; and~~]

[~~(b)~~] [~~Subject to the same conditions as an initial application for a permit.~~]

Section 4. Record Requests. An automated calling equipment operator shall make requested business records, documents, and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.[~~Revocation of Permit. The Attorney General may revoke a permit if he determines that the permittee has violated KRS Chapter 367.~~]

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Automated Calling Equipment Operator Permit application portal", March 2026;[~~"Application Form for Permit to Use Automated Dialing Equipment (1992)" is incorporated by reference.~~]

(b) "Automated Calling Equipment Operator Permit Renewal application portal", March 2026; and

(c) **"**Automated Calling Equipment Operator Surety Bond***[~~"~~]***, Form T-4**"**, March 2026;

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East,1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.[~~This form may be inspected, copied or obtained at the Office of the Attorney General, Consumer Protection Division, 209 St. Clair Street, Frankfort, Kentucky 40601-1875, 8 a.m. to 4:30 p.m., Monday through Friday.~~]

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

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083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:300. Automated calling equipment operators
40 KAR 12:310. Telemarketing companies
40 KAR 12:420. Recreational and retirement use land sellers

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:300, 40 KAR 12:310, and 40 KAR 12:420, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: ______________________
Stephen B. Humphress, Executive Director
Kentucky Office of Regulatory Relief
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
502-696-5481
Email: steve.humphress@ky.gov

Attachments

**Subcommittee Substitute**

**OFFICE OF ATTORNEY GENERAL**
**Kentucky Office of Regulatory Relief**
**(Amendment)**

**40 KAR 12:310. [~~Procedure for registration of telemarketing~~]Telemarketing companies.**

RELATES TO: KRS 367.46971, 367.46973, 367.46981
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.46971, 367.46983
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.46971 requires the Attorney General to promulgate administrative regulations to establish a telemarketing company registration form. KRS 367.46981 requires telemarketing companies to file surety bonds and to notify the Attorney General when offering a premium promotion. KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of[~~required to enforce~~] KRS 367.46951 to 367.46999[~~ governing the sales of goods and services to Kentucky consumers by use of telephone solicitations~~]. This administrative regulation establishes an online registration application, an online renewal application, surety bond forms, and premium promotion report form to be used by telemarketing companies.[~~procedures for the registration of telemarketing companies governed by the provisions of KRS 367.46951 to 367.46999.~~]

Section 1. Telemarketing Company Registration Application.
(1) A telemarking company shall not initiate or receive telephone calls with Commonwealth of Kentucky residents unless the Attorney General approves the telemarketing company's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the ***["]***Telemarketing Company Registration Application portal***["]*** available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.
(2) To complete an online application, an applicant shall submit:
(a) Payment of the $300.00 registration fee;
(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;
(c) Copies of the applicant's articles of incorporation, bylaws and any amendments to those if applicant is a corporation, or copies of applicant's articles of organization, operating agreement, and any amendments to those if the applicant is a limited liability company, or copies of the applicant's partnership agreement if applicant is a partnership, and copies of the same organizational documents for any parent or affiliated organization disclosed in the online registration application;

(d) A completed Telemarketing Company Surety Bond, Form T-1 or other surety bond complying with KRS 367.46981;

(e) A completed Telemarketing Company Surety Bond, Form T-3 or other surety bond complying with KRS 367.46981, when the applicant intends to offer a premium promotion in accordance with Section 3 of this administrative regulation; and

(f) Copies of the applicant's sales information and literature.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.

[~~(a)~~] [~~Registration, or a renewal of registration, for telephone solicitation pursuant to KRS 367.46971 shall be made on the "Commonwealth of Kentucky Telemarketing Company Registration Statement". Each telemarketing company shall register by:~~]

[~~1.~~] [~~Completing the information required by the "Commonwealth of Kentucky Telemarketing Company Registration Statement"; and~~]

[~~2.~~] [~~Paying fees required by KRS 367.46971.~~]

[~~(b)~~] [~~At the time of filing the "Commonwealth of Kentucky Telemarketing Company Registration Statement", a telemarketing company shall file:~~]

[~~1.~~] [~~"Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Consent for Service "; and~~]

[~~2.~~] [~~One (1) of the following bond forms:~~]

[~~a.~~] [~~"Commonwealth of Kentucky, Office of the Attorney General, Bond for Telemarketing Company "; or~~]

[~~b.~~] [~~"Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Premium Surety Bond".~~]

[~~(2)~~] [~~A registration may be withdrawn prior to approval by submitting a written request that the application be withdrawn.~~]

[~~(3)~~] [~~If, upon receipt, the division determines that the materials filed by the telemarketing company do not contain all information required by KRS 367.46971, 367.46973 and 367.46981 or this administrative regulation, the division shall notify the telemarketing company in writing, specifying the information that was not completed in the registration statement or bond form. The registration shall not be completed until an amended filing is received by the division that contains all information required by KRS 367.46971, 367.46973 and 367.46981 or this administrative regulation. Upon receipt of the completed registration materials, the division shall provide a written confirmation of receipt of the completed filing.~~]

Section 2. Telemarketing Company Renewal Application.

(1) An approved telemarketing company registration or renewal shall be valid for one (1) year from the written confirmation date of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered telemarketing company may renew its registration. Registration renewal shall be accomplished by submitting

an online renewal application using the *["]*Telemarketing Company Renewal Application portal*["]* available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) To complete an online renewal application, a registrant shall submit:

(a) Payment of the ***fifty (50) dollar [~~$50.00~~]*** registration renewal fee;

(b) A completed Telemarketing Company Surety Bond, Form T-1, or other surety bond complying with KRS 367.46981, if a prior submitted surety bond is no longer current; and

(c) A completed Telemarketing Company Surety Bond, Form T-3, or other surety bond complying with KRS 367.46981, if the registrant intends to offer a premium promotion in accordance with Section 3 of this administrative regulation; and

(d) Copies of any new sales information and literature not previously provided.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any renewal application if a registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.

Section 3. Premium Promotion Report and Surety Bond. Ten (10) days prior to starting a promotion offering a premium with an actual or advertised market value of ***$500.00 [~~five hundred dollars ($500.00)~~]*** or more, a registered telemarketing company shall complete and submit a Telemarketing Company Premium Promotion Report, Form T-2, to the Attorney General's office and submit a copy of a completed Telemarketing Company Premium Promotion Surety Bond, Form T-3, or other surety bond complying with KRS 367.46981.

Section 4. Written Notification of Material Changes.

(1) Except as provided in ***subsection [~~Section 4~~]***(2) ***of this Section***, a registered telemarketing company shall notify the Attorney General, in writing, within fourteen (14) days of any material change in the information provided in the registrant's original application, any renewal application, application attachments, or written notices.[~~A change in the information specified in this subsection shall be considered a material change that a telemarketing company shall file in an addendum to the original or annual registration:~~]

(2) A registered telemarketing company shall provide written notice of any material changes relating to salespersons in its application, renewal applications***,*** or prior written notices in quarterly intervals computed from the effective date of registration or renewal.

[~~(a)~~] [~~A change relating to information in an original or annual filing required by KRS 367.46971(3) or 367.46973(11), (12), and (13);~~]

[~~(b)~~] [~~An addition or deletion of factual matter that differs from the factual matter contained in a telemarketing company's original filing; or~~]

[~~(c)~~] [~~An association with an officer, director, trustee, general or limited partner, sole proprietor, owner, or person having management responsibility in an applicant's business, or other person specified by KRS 367.46973(5) and (7), who, after a telemarketing company's original filing:~~]

[~~1.~~] [~~Has committed an act or offense specified by KRS 367.46973(8)(a);~~]

[~~2.~~] [~~Is subject to a final judgment or order specified by KRS 367.46973(8)(b) and (c);~~]

[~~3.~~] [~~Has filed in bankruptcy or been adjudged as bankrupt as specified by KRS 367.46973(8)(d).~~]

[~~(2)~~] [~~Information filed pursuant to subsection (1) of this section shall contain the information required by 367.46973(8)~~].

[~~(3)~~]

[~~(a)~~] [~~A change in information required pursuant to this section shall be filed on "Commonwealth of Kentucky Telemarketing Company Registration Statement".~~]

[~~(b)~~] [~~Information required pursuant to this section shall be filed with the division~~].

Section 5. Record Requests. A telemarketing company shall make requested business records, documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 6.[~~Section 3.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Telemarketing Company Registration application portal", March 2026;[~~"Commonwealth of Kentucky Telemarketing Company Registration Statement", Form Ts-1, 2002;~~]

(b) "Telemarketing Company Renewal application portal", March 2026;[~~"Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company, Consent For Service, Form Ts-2, 2002;~~]

(c) "Telemarketing Company Surety Bond*[~~"~~]*, Form T-1", March 2026;[~~"Commonwealth of Kentucky, Office of the Attorney General, Bond for Telemarketing Company", Form Ts-4, 2002; and~~]

(d) "Telemarketing Company Premium Promotion Report, *[~~"~~]* Form T-2", March 2026; and"[~~"Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Premium Surety Bond", Form Ts-5, 2002~~]

(e) "Telemarketing Company Premium Promotion Surety Bond*[~~"~~]*, Form T-3", March 2026

(2) [~~.~~]This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Frankfort, Kentucky, 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

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June 26, 2026

*VIA HAND-DELIVERY*

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:400. Debt Adjusters
40 KAR 12:600. Nonresident sellers of contact lenses

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:400 and 40 KAR 12:600, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: __________________________________
Stephen B. Humphress, Executive Director
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Attachments

Final Version: 06/24/26 at 3:30 PM
**SUGGESTED SUBSTITUTE**

**OFFICE OF ATTORNEY GENERAL**
**Kentucky Office of Regulatory Relief**

**40 KAR 12:400. Debt adjusters.**

RELATES TO: KRS 380.010, 380.030, 380.040, 380.050, 380.060, 380.070, 380.080, 380.090, 380.100, 380.110, 380.120, 380.130, 380.990
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 380.040(5), 380.050
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest[~~KRS 380.050 requires the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 380, relating to debt adjusting~~]. KRS 380.040(5) requires the Attorney General to promulgate an administrative regulation to establish[~~a person to file~~] a debt adjuster registration application ***and establishes fees***[~~form developed by the Attorney General~~]. KRS 380.050 requires the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 380.010 to 380.990, pertaining to debt adjusters. This administrative regulation establishes an online[~~the~~] registration application, an online[~~and~~] renewal application, ***a*** surety bond form, and ***a*** letter of credit form to be used by debt adjusters.[~~process and incorporates by reference the forms to be utilized by persons subject to registration~~].

Section 1. [~~Definitions.~~]

[~~(1)~~] [~~"Debt Adjuster Bond" means the "Commonwealth of Kentucky Debt Adjuster Surety Bond, Form DA-3", incorporated by reference in this administrative regulation.~~]

[~~(2)~~] [~~"Debt Adjuster Irrevocable Letter of Credit" means the "Commonwealth of Kentucky Debt Adjuster Irrevocable Letter of Credit", Form DA-4, incorporated by reference in this administrative regulation.~~]

[~~(3)~~] [~~"Division" means the Office of the Attorney General, Consumer Protection Division.~~]

[~~(4)~~] [~~"Registrant" means a person filing the registration form required by KRS 380.040(5) and this administrative regulation.~~]

[~~(5)~~] [~~"Registration form" means the "Commonwealth of Kentucky Debt Adjuster Registration Statement".~~]

[~~Section 2.~~] Debt Adjusters Registration Application.

(1) A debt adjuster shall not adjust debts of Commonwealth of Kentucky residents unless the Attorney General approves the debt adjuster's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the ***[~~"~~]***Debt Adjuster Registration Application portal***[~~"~~]*** available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) ***To complete[~~When completing~~]*** an online application, an applicant shall submit:

(a) Payment of the $250.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;

(c) Copies of all the applicant's debt adjusting contracts with debtors;

(d) Copies of the applicant's insurance policies evidencing required insurance coverages; and

(e) A completed Debt Adjuster Bond, form DA-1, a completed Debt Adjuster Irrevocable Letter of Credit ***with Demand for Payment***, form DA-2, surety bond complying with KRS 380.040; or Letter of credit complying with KRS 380.040.

(3)(a) An applicant shall complete its application by submitting additional information or documents ***related to an investigation or inquiry*** within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.

[~~(1)~~] [~~The initial registration, or a renewal of registration, for a person engaging in debt adjusting pursuant to KRS Chapter 380 shall be made on the "Commonwealth of Kentucky Debt Adjuster Registration Statement". Each person engaging in debt adjusting shall register by:~~]

[~~(a)~~] [~~Completing the information required by the registration form and submitting:~~]

[~~1.~~] [~~The legal name of the registrant;~~]

[~~2.~~] [~~Whether the registration is an initial or renewal registration;~~]

[~~3.~~] [~~The registrant's contact person, including name, title, telephone number, fax number, and, optionally, e-mail address;~~]

[~~4.~~] [~~Other names under which the registrant conducts business, and provide copies of all filings in Kentucky regarding the use of an assumed name or names;~~]

[~~5.~~] [~~The registrant's principal physical business location, which shall not be a post office box, including street address, city, state, and zip code;~~]

[~~6.~~] [~~The registrant's mailing address if different from the principal physical business location, including address, city, state, and zip code;~~]

[~~7.~~] [~~The registrant's telephone number;~~]

[~~8.~~] [~~The registrant's fax number;~~]

[~~9.~~] [~~The registrant's Web site;~~]

[~~10.~~] [~~The registrant's agent for service of process in Kentucky, including name, address, city, state, and zip code;~~]

[~~11.~~] [~~The location where the registrant keeps or maintains records of its customers who reside in Kentucky if different from the principal physical business location, including address, city, state, and zip code;~~]

[~~12.~~] [~~The registrant's type of business structure, indicating whether it is a corporation, limited liability company, general partnership or joint venture, limited partnership, natural person, or other type of structure and describing such other type, the state under the laws of which the business structure was formed, and including a copy of registrant's certificate of authority to transact business in the Commonwealth of Kentucky issued by the Kentucky Secretary of State or other evidence of authority to transact business in the Commonwealth of Kentucky and describing this other evidence;~~]

[~~13.~~] [~~A description of the debt adjusting services the registrant will offer, sell or provide to Kentucky residents, and identifying whether the registrant engages in debt adjusting in relation to any debt that is primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent consensual security interest on residential real property, or collateral that has a mortgage lien interest in residential real property;~~]

[~~14.~~] [~~The registrant's fee schedule, indicating the amount of the fee for initial set-up, the amount of the consultation fee, the amount and frequency of the service fee or other periodic fee, the amount of the bad check charge, and the amount and frequency of any other fee or fees and describing these other fee or fees;~~]

[~~15.~~] [~~The registrant's officers, directors, trustees, general partners, and sole proprietor, as applicable, and any person having management responsibilities in the registrant's business activities, including name, address, telephone number, title or position held, and percentage of ownership interest;~~]

[~~16.~~] [~~The financial institution in which the registrant will maintain a trust account into which Kentucky consumer funds will be deposited and withdrawn to pay respective creditors, including the name, address, city, state, zip code, telephone number, and fax number;~~]

[~~17.~~] [~~A sample of each type of contract or agreement for the registrant's debt adjuster services with Kentucky residents;~~]

[~~18.~~] [~~The aggregate amount of all deposits made with the registrant by all debtors in each of the six (6) months preceding the filing of this registration;~~]

[~~19.~~] [~~The aggregate amount of all deposits made with the registrant by all Kentucky residents in each of the twelve (12) months preceding the filing of this registration;~~]

[~~20.~~] [~~Information regarding each applicable insurance policy, including policy number, the name of the insurer that issued the policy, whether the division is named as an additional interested party, whether the insurance policy covers errors and omissions, employee dishonesty, depositor's forgery, computer fraud, or violations of KRS Chapter 380, the policy amount, the deductible amount, the insurer's rating and the rating organization, and including a complete copy of the insurance policy and declarations or, if a complete copy of the insurance policy and declarations was previously provided to the division, a copy of the current declarations or certificate of coverage applicable to the policy;~~]

[~~21.~~] [~~A completed Debt Adjuster Bond, or, in lieu thereof, a completed Debt Adjuster Irrevocable Letter of Credit;~~]

[~~22.~~] [~~A list of each state in which the registrant is registered or licensed to provide debt adjuster services and the time of filing the registration;~~]

[~~23.~~] [~~The signature and oath of the registrant, using the following oath: "I hereby swear or affirm that I am an authorized representative of the registrant set forth above, and that the statements contained herein and attachments hereto are true and correct", and including the printed name and title of the person signing the oath;~~]

[~~24.~~] [~~A completed notarization of the signature and oath of the registrant, including the seal of the notary public;~~]

[~~(b)~~] [~~Filing the original of the registration form and accompanying documentation with the Office of the Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and~~]

[~~(c)~~] [~~Paying the fee required by KRS 380.040(5).~~]

Section 2. Debt Adjuster Renewal Applications.

(1) An approved debt adjuster registration or renewal shall be valid for one (1) year from the written confirmation date of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered debt adjuster may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the *[~~"~~]*Debt Adjuster Renewal Application portal*[~~"~~]* available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) ***To complete[~~When submitting~~]*** an online renewal application, each registrant shall submit:

(a) Payment of the $250.00 registration renewal fee;

(b) A completed annual audit in accordance with Section 3 of this administrative regulation; and

(c) ***If a prior submitted surety bond or letter of credit is no longer current or the surety amount is insufficient:***

***1. [~~a~~]***Completed Debt Adjuster Bond, form DA-1***;***

***2.[~~, a~~]*** Completed Debt Adjuster Irrevocable Letter of Credit ***with Demand Letter for Payment***, form DA-2***;***

***3.[~~, a~~]*** Completed surety bond complying with KRS 380.040; or

***4.[~~a~~]*** Completed Letter of credit complying with KRS 380.040***[~~, when a prior submitted surety bond or letter of credit is no longer current or the surety amount is insufficient~~]***.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any renewal application if a registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.

[~~(2)~~] [~~Registration shall be valid for one (1) year from the effective date stated in the written confirmation of registration provided by the division, and may be renewed annually by making the required filing and paying the renewal fee.~~]

[~~(3)~~] [~~Deadline for filing.~~]

[~~(a)~~] [~~The initial registration form and fee shall be filed with the division prior to the date the registrant will engage in debt adjusting pursuant to KRS Chapter 380.~~]

[~~(b)~~] [~~The renewal registration form and fee shall be filed with the division at least four (4) weeks prior to the expiration of the registration.~~]

[~~(c)~~] [~~The registration form shall be considered filed as of the date it is:~~]

[~~1.~~] [~~Delivered to the Division; or~~]

[~~2.~~] [~~Deposited in the mail or with a commercial postal service on or before the due date, as indicated by the postmark applied by the U.S. Postal Service or official mark applied by a commercial postal service. The mark made by a privately-held postage meter shall not be considered in determining the date of filing.~~]

[~~(4)~~]

[~~(a)~~] [~~If the Division determines that the registration form or the materials submitted with the registration form do not comply with KRS Chapter 380 or contain all information or materials required by KRS Chapter 380 or this administrative regulation, the division shall notify the registrant in writing, specifying the noncompliance or the information or materials that were not completed in or provided with the registration form.~~]
[~~(b)~~] [~~The registration shall not be effective until a registration form or an amended registration form is filed with the division that contains all information and materials required by KRS Chapter 380 and this administrative regulation.~~]
[~~(c)~~] [~~The division shall provide a written confirmation of registration.~~]

Section 3. [~~A person shall not engage in debt adjusting prior to the timely filing of a complete and accurate registration which has been confirmed by the division pursuant to Section 2(4)(c) of this administrative regulation.~~]

[~~Section 4.~~] Annual Audit.

(1) An independent, third party certified public accountant shall conduct an annual audit of a registered debt adjuster's business.

(2)[~~(1)~~] The annual audit shall not be older than (12) twelve months prior to the filing of a renewal application in accordance with Section 2 of this administrative regulation and[~~required by KRS 380.040(6)~~] shall include an audit of:

(a) The registrant's financial statements and records;
(b) The trust accounts required by KRS 380.040(1)(b);
(c) The registrant's compliance with the requirements of KRS Chapter 380; and
(d) The registrant's compliance with the requirements of this administrative regulation.

[~~(2)~~] [~~The Commonwealth of Kentucky Debt Adjuster Audit Checklist, Form DA-2, shall be used for purposes of the annual audit and filed with the results of the annual audit.~~]

(3) The audit results [~~of the audit~~ ]and the auditor's opinion [~~filed with the division~~ ]shall be accompanied by a certification from each individual auditor joining in the opinion. The certification shall include:

(a) ***That*** the auditor ***shall be[~~is~~]*** an independent, third-party certified public accountant;
(b) The states in which the auditor is licensed as a certified public accountant; and
(c) The identification number for each license.

[~~(4)~~] A registrant shall submit the audit results, the auditor's opinion, and the certification by each auditor to the Attorney General ***upon[~~when it renews its~~]*** registration ***renewal*** in accordance with Section 2 of this administrative regulation.[~~The results of the audit and the auditor's opinion, and the certification by each auditor, shall be filed with each renewal registration form, and shall be no older than twelve (12) months prior to the date of filing of the renewal registration form.~~]

Section 4.[~~Section 5.~~] Trust Accounts. The trust accounts required by KRS 380.040(1)(b) shall be maintained in a federally insured financial institution.

Section 5.[~~Section 6.~~] Written Notification of Material Changes. A registered debt adjuster shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, application attachments, or written notices.

[~~(1)~~] [~~A person engaged in debt adjusting shall notify the division in writing at the address shown in Section 2(1)(b) of this administrative regulation, or by electronic mail or fax with prior approval of the division, within five (5) business days of any cancellation, nonrenewal, modification, or change, or receipt of notice of any cancellation, nonrenewal, modification, or change of, the insurance coverage required by KRS 380.040(7), the bond required by KRS 380.040(8) and this regulation, or the irrevocable letter of credit accepted in lieu of the bond pursuant to KRS 380.040(8) and this administrative regulation.~~]

[~~(2)~~] [~~Except as required by subsection (1) of this section, within thirty (30) days of any material change in the information provided on or submitted with the registration form, a registrant shall notify the division in writing at the address shown in Section 2(1)(b) of this administrative regulation, or by electronic mail or fax with prior approval of the division, of each change and submit an updated registration form. The annual renewal date for the registrant shall not be affected by the filing required by this section.~~]

[~~(3)~~] [~~A notice or letter from the division to a registrant may be sent by first-class regular mail to a last-known address as shown in the registrant's last filing with the division.~~]

Section 6. Record Requests. A debt adjuster shall make requested business records and documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) [~~The "Commonwealth of Kentucky~~ ]"Debt Adjuster Registration Application*[~~**-portal**~~]*", February 2026[~~Statement", Form DA-1, July 2010~~];

(b) "Debt Adjuster Renewal Application*[~~**-portal**~~]*", Feb. 2026[~~The "Commonwealth of Kentucky Debt Adjuster Audit Checklist", Form DA-2, July 2010~~];

(c) [~~The "Commonwealth of Kentucky~~ ]"Debt Adjuster Surety Bond", form DA-1[~~3~~], February 2026[~~July 2010~~]; and

(d) [~~The "Commonwealth of Kentucky~~ ]"Debt Adjuster Irrevocable Letter of Credit with Demand for Payment letter", form DA-2[4], February 2026;[~~July 2010.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East,[~~Consumer Protection Division,~~] 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

**Commonwealth of Kentucky**
**Office of the Attorney General**

**Russell Coleman**
**Attorney General**

**1024 Capital Center Drive**
**Suite 200**
**Frankfort, KY 40601**
**(502) 696-5300**

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July 1, 2026

*VIA HAND-DELIVERY*

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:300. Automated calling equipment operators
40 KAR 12:310. Telemarketing companies
40 KAR 12:420. Recreational and retirement use land sellers

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:300, 40 KAR 12:310, and 40 KAR 12:420, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: ______________________
Stephen B. Humphress, Executive Director
Kentucky Office of Regulatory Relief
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
502-696-5481
Email: steve.humphress@ky.gov

Attachments

**Subcommittee Substitute**

**OFFICE OF ATTORNEY GENERAL**
**Office of Regulatory Relief**
**(Amendment)**

**40 KAR 12:420. Recreational and retirement use land sellers[~~, disclosure costs~~].**

RELATES TO: KRS 367.472, 367.474, 367.477, 367.478, 367.480, 367.486
STATUTORY AUTHORITY: KRS 15.180, ***[~~KRS~~]*** 367.150(4), 367.480, 367.484(5)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.478 requires recreational and retirement use land sellers to register with the Attorney General. KRS 367.474 requires recreational and retirement use land sellers to submit bonds or approved escrow accounts to the Attorney General. KRS 367.480 requires the Attorney General to promulgate administrative regulations to ensure adequate disclosures to potential purchasers of recreational and retirement use land. KRS 367.480 and KRS 367.484(5) authorize the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS 367.470 to 367.486, pertaining to recreational and retirement use land sales. This administrative regulation establishes an online registration application, bond form, and escrow agreement from to be used by recreational and retirement use land sellers, and provides for oral and written disclosure requirements to potential purchasers.[~~This administrative regulation is necessitated by KRS 367.480, which requires the Attorney General to promulgate rules and administrative regulations which will ensure an adequate disclosure to the purchaser of recreational and retirement use land the probable costs of any necessary maintenance or improvements of such land which may accrue in the future.~~]

Section 1. Definitions.
(1) "Recreational and retirement use seller" shall not mean to include sellers of ***[~~"~~]***timeshares***[~~"~~]*** or ***[~~"~~]***vacation clubs***[~~"~~]***.
(2) "Timeshare" means an arrangement whereby several joint owners have the right to use a property as a vacation home under a time-sharing agreement.
(3) "Vacation club" means an arrangement whereby club members purchase discount vacation stays, vacation plans, or services connected with the scheduling of vacations at properties owned or provided by a vacation club seller.

Section 2. Registration of Recreational Use Land Sellers and Retirement Use Land Sellers.
(1) A seller shall not make sales of recreational and retirement use land to Commonwealth of Kentucky residents for specific land unless the Attorney General approves a recreational and retirement use land seller registration application in accordance with this ***administrative*** regulation. An applicant shall submit an online registration application using the ***[~~"~~]***Recreational

and Retirement Use Land Sellers Registration Application portal***[~~"~~]*** available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) To complete an online application, an applicant shall submit:

(a) Payment of the ***ten (10) dollar [~~$10.00~~]*** registration fee;

(b) The applicant's certificate of existence***,[~~;~~]*** authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;

(c) Copies of the written disclosures provided to potential purchasers in accordance with Section 3 of this administrative regulation;

(d) Copies of all advertising and promotional materials; and

(e) If improvements to the land are not completed, or improvements are completed but material or labor costs for same have not been paid:

1. A completed Recreational & Retirement Use Land Sellers Performance Surety Bond, Form RR-2, a completed Recreational & Retirement Use Land Sellers Escrow Agreement, Form RR-3***,[~~;~~]*** or a completed surety bond or approved escrow agreement complying with KRS 367.474;

2. A detailed list of the breakdown of each mortgage or other security instruments for improvements;

3. If KRS 367.474(1) improvements have not been made, a list of the improvements which includes breakdown of costs, expected completion date for each improvement, and copies of the general contractor's bid or other documents that support improvement costs; ***and***

4. If improvements have been made but labor or material costs for same have not been paid, a detailed list of the unpaid costs and copies of the contractors' bills supporting these costs***.[~~;~~]***

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if the applicant fails to timely complete the application by not paying the application fee or not providing requested information or required documents.

Section 3. Written and Oral Disclosures. A recreation and retirement use land seller shall give a full and complete disclosure to potential purchasers of recreational and retirement use land regarding probable costs of any necessary maintenance of improvements of ***the [~~said~~]***land which may accrue in the future. A recreational and retirement use land seller shall make disclosures, both orally and in writing, prior to a purchaser's signing and execution of a purchase contract or agreement. ***The [~~Said~~]*** disclosure shall include ***[~~but is not limited to~~]***:[~~Disclosures. Any subdivider of recreation and retirement use land as defined by KRS 367.472 shall give a full and complete disclosure to the purchaser of a lot, parcel, unit or other interest thereof of any probable costs of any necessary maintenance of improvements of said land which may accrue in the future. Said disclosure must be made both orally and in writing prior to the signing of a contract or agreement to purchase. Said disclosure shall include but is not limited to:~~]

(1) The probable costs for each of the following:

(a) Maintenance of improvements;

(b) The cost of taxes for the property as of the date the contract or agreement to purchase is signed, as well as any tax increases that will occur or which there is reasonable cause to believe could occur within the next five (5) years;

(c) The cost of any assessments to the property at the time the contract or agreement to purchase is signed, as well as a reasonable projection of increases in such assessments which could occur within the next five (5) years; ***and***

(d) Cost of repairs and other improvements;

(2) Whether any maintenance of improvements costs, taxes, assessments, repair, or other improvement costs are being assumed or borne by the seller[~~subdivider~~] at the time the sale solicitation[~~for sale~~] is made and, if so, the amount assumed by the seller[~~subdivider~~] for each such item, the date the seller[~~subdivider~~] will no longer assume or bear ***the [~~said~~]*** costs, and identity of other persons[~~those~~] who will assume or bear such costs once the seller[~~subdivider~~] is no longer liable;

(3) Whether any person or persons,[~~as defined by KRS 367.472(3),~~] other than the seller[~~subdivider~~], assumes or bears any maintenance costs, taxes, assessments, repair or improvement costs at the time the solicitation for sale is made and, if so, the amount assumed by this person or persons for each such item, the date this person or persons will no longer assume or bear such costs, and those who will assume or bear such costs once this person or persons is no longer liable;

(4) Whether membership in an organization or association of property owners is required and whether the cost of ***the [~~said~~]***association is borne in whole or in part by the seller[~~subdivider~~] or the purchaser. If such costs are borne in whole or in part by the seller[~~subdivider~~], the seller[~~subdivider~~] ***shall [~~must~~]*** disclose:

(a) The amount of costs being borne by the seller[~~subdivider~~] and the amount being borne by the purchasers;

(b) The amount of cost to the purchaser when the seller[~~subdivider~~] stops bearing the costs;

(c) The date on which the seller[~~subdivider~~] will stop bearing the costs; and

(d) The number of property owners ***[~~and/~~]***or association members upon which this cost figure is based;

(5) Any projection of cost that has been made or can reasonably be made for future repairs or improvements to the property within the next five (5) years which will be paid directly or indirectly by the purchaser;

(6) Whether future development ***[~~and/~~]***or construction is anticipated by the seller[~~subdivider~~] and whether ***the [~~said~~]*** development ***[~~and/~~]***or construction can reasonably be expected to result directly or indirectly in added costs for maintenance of improvements, taxes, assessments, repairs, or other improvements to a property owner. If additional costs are anticipated, the seller[~~subdivider~~] ***shall [~~must~~]*** disclose:

(a) Whether these costs will be borne in whole or in part by the seller[~~subdivider~~];

(b) The amount of costs being borne by the seller[~~subdivider~~];

(c) The date on which the seller[~~subdivider~~] will stop bearing the cost;

(d) The amount of the costs to the purchaser for the next five (5) years; and

(e) The number of property owners upon which this cost figure is based; ***and***

(7) Any other costs or fees assessed directly or indirectly to the purchaser for maintaining the property that can be reasonably anticipated by the seller[~~subdivider~~] for the next five (5) years.

[~~Section 2.~~] [~~The subdivider shall file with the Office of the Attorney General, Division of Consumer Protection, a copy of the written disclosures required by Section 1 of this regulation. The subdivider is required to keep current the information on which the disclosures required by Section 1 of this regulation are based and shall immediately notify the division of any material changes in the information contained in the disclosure and shall make appropriate amendment of the written and oral disclosure statements.~~]

[~~Section 3.~~] [~~Penalties. Any person who fails to make the oral and written disclosures required by~~][ ~~Section 1 of this regulation shall be subject to prosecution pursuant to KRS 367.484.~~]

Section 4. Exemptions. A recreational and retirement use land seller who is exempt from registration by reason of KRS 367.486 and the Interstate Land Sale Full Disclosure Act (15 U.S.C. Secs. 1701-1720) shall submit copies of its federal registration statements using the *["]*Recreational and Retirement Use Land Sellers Registration Application portal*["]* available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx**.**

Section 5. Written Notification of Material Changes. A registered recreational and retirement use land seller shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, application attachments, written disclosures to purchasers, or written notices.

Section 6. Record Requests. A recreational and retirement use land seller shall make requested business records, documents**,** and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Recreational and Retirement Use Land Sellers Registration Application Portal", March 2026;

(b) "Recreational & Retirement Use Land Use Sellers Bond**,***["]* Form RR-1", March 2026; and

(c) "Recreational & Retirement Use Land Sellers Escrow Agreement*["]*, Form RR-2", March 2026**.***["]*

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

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(502) 696-5300

June 26, 2026

*VIA HAND-DELIVERY*

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:400. Debt Adjusters
40 KAR 12:600. Nonresident sellers of contact lenses

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:400 and 40 KAR 12:600, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: ______________________
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Attachments

Final Version: 06/24/26 at 4:40 PM
**SUGGESTED SUBSTITUTE**

**OFFICE OF ATTORNEY GENERAL**
**Kentucky Office of Regulatory Relief**

**40 KAR 12:600. Nonresident sellers of contact lenses[~~Contact lens seller annual registration and verification requirements~~].**

RELATES TO: KRS 367.680, 367.681, 367.683, 367.685, 367.686, 367.687, 367.688 367.689[~~-367.690~~]
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.688, 367.689
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations ***that[~~which~~]*** will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 367.687 and ***[~~KRS~~ ]***367.688 require the Attorney General to provide for annual registrations of all nonresident sellers of contact lenses. KRS 367.688 requires the Attorney General to charge fees for registrations and investigations of nonresident sellers of contact lenses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of contact lenses. This administrative regulation establishes the online registration application and registration renewal application to be used by nonresident sellers of lenses and establishes annual registration fees and investigation fees.[~~by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to the sale of contact lenses. KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of contact lenses. This administrative regulation establishes requirements for a mail order contact lens seller annual registration form required by KRS 367.687.~~]

Section 1. [~~Definitions.~~]

[~~(1)~~] [~~"Applicant" means a person located outside Kentucky desiring to ship, mail, deliver, or sell contact lenses to a patient at a Kentucky address.~~]

[~~(2)~~] [~~"Date of authorization" means the date on which a contact lens prescription is completed, as referenced in KRS 367.685.~~]

[~~(3)~~] [~~"Dispensing facility" means the building or structure from which contact lens orders are shipped.~~]

[~~(4)~~] [~~"Response-time options" means requests for contact lens prescription verification in which the requestor expressly or implicitly states that the failure of the prescribing optometrist,~~]

~~osteopath, or physician to respond to the request within the time frame or in the manner stated in the request constitutes a verification of the prescription~~].

[~~Section 2.~~] Nonresident Seller of Contact Lenses[~~Lens Seller Annual~~] Registration Application[~~Form~~].

(1) A nonresident seller shall not sell contact lenses to Commonwealth of Kentucky residents unless the Attorney General approves the nonresident seller's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the *[~~"~~]*Nonresident Seller of Contact Lenses Registration Application portal*[~~"~~]* available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) ***To complete[~~When submitting~~]*** an online application, an applicant shall submit:

(a) Payment of the $500.00 annual registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(c) A copy of the applicant's ***registration or license[~~registration/license~~]*** from the state where applicant's dispensing facility is located.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.[~~The Contact Lens Seller Annual Registration Form, CLS-1, shall contain the following information:~~]

[~~(1)~~] [~~In accordance with KRS 367.687(1), a certification by the applicant that the applicant is licensed or registered to distribute contact lenses in the state in which the dispensing facility is located and from which the contact lenses are dispensed, including the date of licensure, the expiration date, if any, and the name and address of the licensing or registering agency.~~]

[~~(2)~~] [~~The business names, titles, and addresses required by KRS 367.687(2).~~]

[~~(3)~~] [~~A certification by the applicant containing the information required by KRS 367.687(3).~~]

[~~(4)~~] [~~If any owner, partner, corporate officer, or person responsible for overseeing the dispensing of contact lenses has been the subject of civil or criminal action by an agency in any state which regulates the sale or dispensing of contact lenses, this information shall be disclosed on the application.~~]

[~~(5)~~] [~~A certification by the applicant that they shall respond to all requests for information from the Attorney General in accordance with KRS 367.687(4).~~]

[~~(6)~~] [~~A certification by the applicant that they shall maintain records of contact lenses dispensed to residents of the Commonwealth of Kentucky in accordance with KRS 367.687(5).~~]

[~~(7)~~] [~~The toll-free telephone number and certification required by KRS 367.687(6).~~]

[~~(8)~~] [~~The toll-free telephone number required by KRS 367.687(7).~~]

[~~(9)~~] [~~A certification by the applicant that the notification required by KRS 367.687(8) will be sent to the patient whenever contact lenses are supplied.~~]

[~~(10)~~] [~~The certification required by KRS 367.687(9).~~]

Section 2. Annual Registration and Investigation Fee.

[~~(11)~~] [~~An~~]The annual registration and investigation fee for a nonresident seller of contact lenses shall be $500.00[~~of $300 enclosed with each registration in the form of a check made payable to "Kentucky State Treasury".~~]

[~~(12)~~] [~~The signature of the applicant or a person authorized to sign on behalf of the applicant. The signature shall constitute a certification that the statements contained in the application are true and correct~~].

Section 3. Nonresident Seller of Contact Lenses Renewal Application.

(1) An approved nonresident seller of contact lenses registration or renewal shall be valid for one (1) year from the date of written confirmation of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered nonresident seller of contact lenses may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the *[~~"~~]*Nonresident Seller of Contact Lenses Renewal Application portal*[~~"~~]* available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) ***To complete[~~When submitting~~]*** an online renewal application, each registrant shall submit payment of the $500.00 annual registration fee.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny a renewal application if the registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.

Section 4. Written Notification of Material Changes. A registered nonresident seller of contact lenses shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 5. Record Requests. A nonresident seller of contact lenses shall make requested business records and documents related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.[~~The Attorney General may charge a fee for investigation of nonresident dispensers of contact lenses based on reasonable expenses incurred during the investigation process, in accordance with KRS 367.688.~~]

[~~Section 4.~~] [~~Response-time Options.~~]

[~~(1)~~] [~~Response-time options are prohibited and shall not constitute verification of a contact lens prescription, in accordance with KRS 367.683(2)(f).~~]

[~~(2)~~] [~~A mail order contact lens seller shall verify a contact lens prescription through one of the methods provided in KRS 367.683(1).~~]

Section 6.[~~Section 5.~~] [~~Providing and~~] Verifying Prescriptions. If a registered nonresident seller of contact lenses requests verification of a contact lenses prescription, a patient's prescribing optometrist, osteopath or physician shall verify a contact lenses prescription through telephone, electronic mail, computer or phone messaging, or other electronic or digital means.

[~~(1)~~] [~~In compliance with KRS 367.685, upon completion of a contact lens fitting a patient shall be entitled to receive a complete copy of the contact lens prescription until its expiration date.~~]

[~~(2)~~] [~~In compliance with KRS 367.683, a patient's prescribing optometrist, osteopath or physician shall, through electronic or oral affirmative communication, verify a contact lens prescription submitted by a contact lens seller designated to act on behalf of that patient.~~]

Section 7.[~~Section 6.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:[~~The "Contact Lens Seller Annual Registration Form", CLS-1, 2003, is incorporated by reference.~~]

(a) "Nonresident Seller of Contact Lenses Registration Application*[~~ portal~~]*," Feb. 2026,

(b) "Nonresident Seller of Contact Lenses Renewal Application*[~~ portal~~]*," Feb. 2026;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East,[~~Consumer Protection Division,~~] 1024 Capital Drive, Suite 200, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Office's website, https://ag.ky.gov/Pages/default.aspx.

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