

**436.006 Civil actions -- Venue -- Defenses -- Enforcement by governmental entities or officers prohibited.**

- (1) Any party filing a civil action under KRS 436.002 or 436.004 shall:
  - (a) Bring the action in:
    1. The Circuit Court of the county where the alleged violation occurred;
    2. The Circuit Court of the county in which the person bringing the action resides; or
    3. Franklin Circuit Court; and
  - (b) Have the right to a jury trial, and the jury shall decide both liability and damages.
- (2) An individual may bring an action under KRS 436.002 or 436.004 regardless of whether another court has declared any provision of KRS 436.001 to 436.009 unconstitutional, unless that court decision is binding upon the court in which the action is brought.
- (3) Nonmutual issue preclusion and nonmutual claim preclusion shall not be defenses to an action brought under KRS 436.002 or 436.004.
- (4) Notwithstanding any other law:
  - (a) The requirements of KRS 436.001 to 436.009 shall be enforced exclusively through private civil actions; and
  - (b) Direct or indirect enforcement of KRS 436.001 to 436.009 shall not be taken or threatened by:
    1. The Commonwealth of Kentucky;
    2. A political subdivision of the Commonwealth;
    3. The Attorney General;
    4. A Commonwealth's attorney or county attorney; or
    5. An executive or administrative officer or employee of the Commonwealth in his or her official capacity;against any person or entity, in any manner whatsoever.

**Effective:** July 15, 2024

**History:** Created 2024 Ky. Acts ch. 106, sec. 16, effective July 15, 2024.