

CHAPTER 14

(HB 321)

AN ACT relating to delinquent property taxes.

WHEREAS, the Court of Appeals issued an opinion in the case of Flag Drilling Company, Inc. v. Commonwealth of Kentucky, Revenue Cabinet, which was released for publication on March 24, 2005, in which the court held that private purchasers of certificates of delinquency are entitled to collect reasonable attorneys' fees and costs from individuals paying certificates of delinquency; and

WHEREAS, prior to the issuance of that opinion, private purchasers were not permitted to collect reasonable attorneys' fees and costs from individuals paying certificates of delinquency; and

WHEREAS, since the issuance of that opinion, it has come to the attention of the General Assembly that some private purchasers have been attempting to exact unconscionable attorneys' fees and costs from individuals paying certificates of delinquency, and that some private purchasers have made it very difficult for taxpayers to make payments on certificates of delinquency by not providing sufficient contact information to taxpayers; and

WHEREAS, it is the intent of the General Assembly, through the enactment of the provisions of Section 1 of this Act, to establish a reasonable amount that may be collected by private purchasers for costs and attorneys' fees, and to require private purchasers of certificates of delinquency to provide contact information to taxpayers so that taxpayers may pay certificates of delinquency;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 134 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any other provisions of this chapter, a private purchaser of a certificate of delinquency shall be entitled to collect only the following:*
- (a) *The amount actually paid to purchase the certificate of delinquency;*
 - (b) *Interest accrued subsequent to the date the certificate of delinquency was purchased as provided in Section 6 of this Act;*
 - (c) *Attorneys' fees as provided in this paragraph.*
 1. *Attorneys' fees incurred for collection efforts prior to litigation as follows:*
 - a. *If the amount paid for a certificate of delinquency is between five dollars (\$5) and three hundred fifty dollars (\$350), actual reasonable fees incurred up to one hundred percent (100%) of the amount of the certificate of delinquency, not to exceed three hundred fifty dollars (\$350);*
 - b. *If the amount paid for a certificate of delinquency is between three hundred fifty-one dollars (\$351) and seven hundred dollars (\$700), actual reasonable fees incurred up to eighty percent (80%) of the amount of the certificate of delinquency, not to exceed five hundred sixty dollars (\$560); and*
 - c. *If the amount paid for a certificate of delinquency is above seven hundred one dollars (\$701), actual reasonable fees incurred up to seventy percent (70%) of the amount of the certificate of delinquency, not to exceed seven hundred dollars (\$700).*
 2. *If a private purchaser is the owner of more than one (1) certificate of delinquency against the same taxpayer, actual and reasonable pre-litigation attorneys' fees for all certificates of delinquency against the same taxpayer shall not exceed one and one-half times the maximum amount permitted in subparagraph 1. of this paragraph for the largest tax bill owed by the taxpayer.*
 3. *In addition to the pre-litigation attorneys' fees established by subparagraphs 1. and 2. of this paragraph, a private purchaser may collect actual, reasonable attorneys' fees and costs that arise due to the prosecution of collection remedies or the protection of a certificate of delinquency that is involved in litigation; and*

- (d) *Administrative fees incurred for preparing, recording, and releasing an assignment of the certificate of delinquency in the county clerk's office, not to exceed one hundred dollars (\$100).*
- (2) *A private purchaser holding a certificate of delinquency on the effective date of this Act shall, regardless of when that certificate of delinquency was purchased, send to the property owner by January 31, 2008, at the address reflected in the records maintained by the property valuation administrator, the following information:*
- (a) *The legal name of the purchaser;*
- (b) *The purchaser's physical address;*
- (c) *The purchaser's mailing address for payments, if different from the physical address; and*
- (d) *The purchaser's telephone number.*
- (3) *The provisions of subparagraph 4. of paragraph (b) of subsection (1) of Section 5 of this Act, relating to notice if contact information changes, shall apply to all private purchasers of certificates of delinquency regardless of when the certificate of delinquency was purchased.*
- (4) *Within ninety (90) days after the expiration of the one (1) year tolling period provided in KRS 134.470, the private purchaser shall send to the taxpayer by first class mail, with proof of mailing, a notice informing the taxpayer that the certificate of delinquency may be enforced as provided in subsection (2) of Section 5 of this Act. The notices shall be sent to the address reflected in the records maintained by the property valuation administrator. The notice shall also include the contact information required by subsection (1)(b) of Section 5 of this Act.*
- (5) *Within thirty (30) days but at least fifteen (15) days prior to initiating any of the collection remedies enumerated in subsection (2) of Section 5 of this Act, the private purchaser shall send to the taxpayer by first class mail, with proof of mailing, a notice informing the taxpayer that enforcement actions will be taken. The notices shall be sent to the address reflected in the records maintained by the property valuation administrator. The notice shall also include the contact information required by subsection (1)(b) of Section 5 of this Act.*

Section 2. KRS 134.420 is amended to read as follows:

- (1) (a) The state and each county, city, or other taxing district shall have a lien on the property assessed for taxes due them respectively for ten (10) years following the date when the taxes become delinquent, and also on any real property owned by a delinquent taxpayer at the date when the sheriff offers the tax claims for sale as provided in KRS 134.430 and 134.440.
- (b) This lien shall not be defeated by gift, devise, sale, alienation, or any means except by sale to a bona fide purchaser, but no purchase of property made before final settlement for taxes for a particular assessment date has been made by the sheriff shall preclude the lien covering the taxes.
- (c) The lien shall include all interest, penalties, fees, commissions, charges, costs, ~~reasonable~~ attorney fees, and other expenses *as provided by this chapter that have been* incurred by reason of delinquency in payment of the tax bill or certificate of delinquency or in the process of collecting either, and shall have priority over any other obligation or liability for which the property is liable.
- (d) The lien of any city, county, or other taxing district shall be of equal rank with that of the state.
- (e) When any proceeding is instituted to enforce the lien provided in this subsection, it shall continue in force until the matter is judicially terminated.
- (f) Every city of the third, fourth, fifth, and sixth class shall file notice of the delinquent tax liens with the county clerk of any county or counties in which the taxpayer's business or residence is located, or in any county in which the taxpayer has an interest in property. The notice shall be recorded in the same manner as notices of lis pendens are filed, and the file shall be designated miscellaneous state and city delinquent and unpaid tax liens.
- (2) If any person liable to pay any tax administered by the Department of Revenue, other than a tax subject to the provisions of subsection (1) of this section, neglects or refuses to pay the tax after demand, the tax due together with all penalties, interest, and other costs applicable provided by law shall be a lien in favor of the Commonwealth of Kentucky. The lien shall attach to all property and rights to property owned or subsequently acquired by the person neglecting or refusing to pay the tax.

- (3) The lien imposed by subsection (2) of this section shall remain in force for ten (10) years from the date the notice of tax lien has been filed by the commissioner of the Department of Revenue, or his delegate with the county clerk of any county or counties in which the taxpayer's business or residence is located, or any county in which the taxpayer has an interest in property.
- (4) The tax lien imposed by subsection (2) of this section shall not be valid as against any purchaser, judgment lien creditor, or holder of a security interest or mechanic's lien until notice of the tax lien has been filed by the commissioner of the Department of Revenue or his delegate with the county clerk of any county or counties in which the taxpayer's business or residence is located, or in any county in which the taxpayer has an interest in property. The recording of the tax lien shall constitute notice of both the original assessment and all subsequent assessments of liability against the same taxpayer. Upon request, the Department of Revenue shall disclose the specific amount of liability at a given date to any interested party legally entitled to the information.
- (5) Even though notice of a tax lien has been filed as provided by subsection (4) of this section, and notwithstanding the provisions of KRS 382.520, the tax lien imposed by subsection (2) of this section shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made within forty-five (45) days after the date of tax lien filing or the date the person making the disbursements had actual notice or knowledge of tax lien filing, whichever is earlier, provided the security interest:
- (a) Is in property which:
1. At the time of tax lien filing is subject to the tax lien imposed by subsection (2) of this section; and
 2. Is covered by the terms of a written agreement entered into before tax lien filing; and
- (b) Is protected under local law against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

Section 3. KRS 134.460 is amended to read as follows:

~~(1) Certificates of delinquency shall bear interest from the date of issuance until collected at the rate of twelve percent (12%) per annum simple interest. A fraction of a month is counted as an entire month. The total amount of the certificate of delinquency, the clerk's add on fee provided in KRS 134.480, and the county attorney's add on fee provided in KRS 67C.115 shall be included in the base for the interest calculation.~~

~~(2) Certificates of delinquency shall be prima facie evidence that:~~

- ~~(1)(a) The property represented by the certificate was subject to taxes levied thereon, and was assessed as required by law.~~
- ~~(2)(b) The tax bill was valid and correct in all respects.~~
- ~~(3)(c) The taxes were not paid at any time before the issuance of the certificate.~~

Section 4. KRS 134.480 is amended to read as follows:

- (1) (a) The delinquent taxpayer or any person owning or having a legal or equitable interest in real property covered by a certificate of delinquency may at any time pay the total amount of the certificate to any purchaser thereof, and any person whatsoever may likewise pay a certificate of delinquency when the ***claim is purchased by the sheriff on behalf of the state, county, or taxing district pursuant to KRS 134.450(2)*** ~~was the purchaser~~.
- (b) 1. When a certificate is paid to an owner other than the state, county, or taxing district, the assignee shall mark paid in full on the certified copy of the certificate and shall ***release the lien, or*** surrender the certified copy of the certificate of delinquency to the person making payment, and, if ***the person making payment*** ~~he~~ is the person primarily liable on the certificate, ***the person*** ~~he~~ may file it with the county clerk and have the certificate released of record.
2. ***If the owner fails to release the lien within thirty (30) days, or surrender the certified copy of the certificate of delinquency to the person making payment within thirty (30) days after payment has been tendered to the owner at the mailing address designated in the notice required by paragraph (b) of subsection (1) of Section 5 of this Act, the owner of the property subject to the certificate of delinquency shall have all of the remedies provided in KRS 382.365 against the owner of the certificate of delinquency.***

- (c) When a certificate of delinquency has been fully paid to the state, county, and taxing districts, the clerk shall note the name and address of the person making the payment, the amount paid by *the person* ~~him~~, and such other information as the department ~~of Revenue~~ may require. The clerk shall mark the certificate of delinquency paid in full. Payment in such instance by one other than the person primarily liable on the certificate will amount to an assignment *of the certificate of delinquency* ~~thereof~~. *The payor shall be subrogated to the lien priority of the state, county, or taxing districts as provided in subsection (1) of Section 2 of this Act, and the certificate of delinquency shall be collectible as provided in this subsection and subsection (2) of this section.* The clerk shall note the assignment on the certificate of delinquency and provide the assignee a certified copy of the certificate of delinquency, or the clerk may provide for a certified electronic certificate of delinquency in the clerk's records in lieu of delivering a certified copy of the certificate of delinquency.
- (d) Anyone other than the person primarily liable who pays a certificate or purchases it from an owner other than the state, county, and taxing district may, by paying a fee pursuant to KRS 64.012, have the clerk record the payment or purchase and such recordation shall constitute an assignment thereof. *The assignment shall be recorded in the same manner as a notice of lis pendens.* Failure to obtain such an assignment shall render the claim of such payor or purchaser to any real estate represented thereby inferior to rights of other bona fide purchasers, payors, or creditors. Any owner of a certificate of delinquency once having paid the assignment fee may have a change of his address noted of record by the clerk without paying an additional charge, otherwise *the person* ~~he~~ shall pay a fee pursuant to KRS 64.012 to the clerk for entering such change on the certificate.
- (2) (a) The county clerk may receive payment of the amount due on certificates of delinquency owned by the state, county, and taxing districts, and *the clerk* ~~he~~ shall give a receipt to the payor and make a report to the department ~~of Revenue~~, the county treasurer, and the proper officials of the taxing districts as often as such units may require, and not less than once in every thirty (30) days.
- (b) The clerk may accept payment of taxes due by any commercially acceptable means, including credit cards.
- (c) *The clerk* ~~He~~ shall pay to the department ~~of Revenue~~ for deposit with the State Treasurer all moneys collected by *the clerk* ~~him~~ due the state, to the county treasurer all moneys due the county, and to the authorized officers of the taxing districts the amount due each such district. *The clerk* ~~He~~ shall pay the amount of fees, costs, commissions, and penalties to the persons, agencies, or parties entitled thereto.
- (d) *The clerk* ~~He~~ shall retain ten percent (10%) of the amount due each taxing unit *as a fee* for ~~his~~ services *provided* ~~as a fee~~. This fee shall be added to the amount of the tax claim and paid by the persons paying the tax claim.
- (3) (a) ~~A~~ ~~if the~~ person entitled to pay a certificate of delinquency *who is having difficulty locating a private purchaser to make payment on a certificate of delinquency may send* ~~sends~~ a registered letter addressed to *the private purchaser who is* the owner of record of the certificate. ~~If~~ ~~other than the state, county, or taxing district, and~~ the letter is returned by mail unclaimed, *or if the private purchaser fails to respond within fifteen (15) days, the sender may provide proof that the letter was returned or that the private purchaser did not respond within fifteen (15) days to the county clerk, and* ~~thereof~~ may *then* make payment to the county clerk, who shall make the necessary assignment or release and deposit the money in an escrow account for this specific purpose in the nearest bank having its deposits insured with the Federal Deposit Insurance Corporation. *The county clerk may maintain one (1) escrow account for all deposits made pursuant to this paragraph and shall maintain a record reflecting the amount due each private purchaser.*
- (b) The clerk may deduct the sum of *twenty dollars (\$20)* ~~ten dollars (\$10)~~ as a fee for such service. The name of the bank in which the money is deposited shall be noted on the certificate.
- (c) *The clerk shall mail a copy of the certificate by regular mail to the owner of record of the certificate at the address on the certificate.*
- (4) If any clerk fails to pay to the person entitled thereto, upon *written* demand, the money received in payment of a certificate of delinquency, *the clerk* ~~he~~ and *the clerk's* ~~his~~ sureties shall be liable for the same and twenty percent (20%) interest thereon annually from the *fifteenth day after the* time *the clerk* ~~he~~ received *the written demand* ~~it~~ until paid.

- (5) Copies of the records provided for in KRS 134.450 and this section, certified by the county clerk, shall be evidence of the facts stated in them in all the courts of this state.

Section 5. KRS 134.490 is amended to read as follows:

- (1) Within fifty (50) days after the issuance of a certificate of delinquency to a private purchaser, the private purchaser shall give the same notice as required of a county attorney in KRS 134.500(3)~~(2)~~.

(a) The notice shall advise the owner that:

1. The certificate is a lien of record against all property of the owner;~~[-, and]~~
2. *The certificate* bears interest at the rate *provided in Section 6 of this Act*; ~~[of twelve percent (12%) per annum,]~~ and
3. If the certificate is not paid, it will be subject to collection as provided by law.

(b) *In addition, the notice shall provide the following information to the taxpayer:*

1. *The legal name of the purchaser;*
2. *The purchaser's physical address;*
3. *The purchaser's mailing address for payments, if different from the physical address; and*
4. *The purchaser's telephone number.*

If the information required by this paragraph changes, the purchaser shall send a notice to the taxpayer by registered mail with the corrected information. Failure to send the original notice or any correction notices shall result in the suspension of the accrual of all interest and any fees incurred by the purchaser after that date until proper notice is given as required by this subsection.

- (2) If a private person is the owner of a certificate of delinquency, *the private purchaser*~~[he]~~ may, after the expiration of the one (1) year period provided in KRS 134.470:

- (a) Institute an action against the delinquent taxpayer to collect the amount of the certificate, and any other certificates subsequently issued to the same owner against the same delinquent, and shall have all the remedies available for the enforcement of a debt; or
- (b) Institute an action to enforce the lien provided in subsection (1) of KRS 134.420, represented by the certificate that is more than one (1) year of age, and those certificates subsequently held by the same owner against the same delinquent or property; or
- (c) Institute one (1) action including both types of actions mentioned in paragraphs (a) and (b) of this subsection, and the joinder of actions shall not be defeated if the delinquent taxpayer has disposed of any property covered by the lien, but the purchaser of the property shall be made a defendant if the judgment is to affect his interest in the property, and as between them the delinquent taxpayer shall be responsible.

- (3) If the state, county, or a taxing district is the owner of a certificate of delinquency, it shall have, after the expiration of the one (1) year period provided in KRS 134.470, in addition to the remedies mentioned in subsection (2) of this section, the right to distrain and sell any property owned by the delinquent, including that on which the lien provided in subsection (1) of KRS 134.420 has attached. Any property sold under distraint proceedings shall be sold in the same manner as provided in KRS 134.430 and 134.440, except that the exercise of the power shall be vested in the county attorney.

- (4) If property is sold pursuant to a judgment of foreclosure, it shall be appraised pursuant to the provisions of KRS 426.520 and there shall be a right of redemption as provided in KRS 426.530. If there is no purchaser at a foreclosure sale, the master commissioner shall make a deed to the person or persons shown by record to be the owner of the certificate or certificates of delinquency, and they shall have a pro rata interest in accordance with the amount of their respective certificates.

Section 6. KRS 134.500 is amended to read as follows:

- (1) (a) ~~{Certificates of delinquency shall bear interest at twelve percent (12%) per annum simple interest from the date the certificate of delinquency is issued. A fraction of a month is counted as an entire month. The five dollar (\$5) sheriff's fee, the advertising costs provided in KRS 134.420, the clerk's add on fee provided in KRS 134.480, and the county attorney's add on fee provided in this section shall be~~

~~included in the interest calculation in counties containing cities of the first class or consolidated local government and shall be excluded in other counties, except upon adoption of an ordinance by a county to include in the interest calculation the fees provided for in KRS 134.420, the clerk's add on fee provided in KRS 134.480, and the county attorney's add on fee provided in this section. All tax bills on omitted property that were not turned over to the sheriff in time to be collected or to make the sale provided for in KRS 134.430 and 134.440 shall also be submitted to the fiscal court but shall be carried over as a charge against the sheriff at the time he or she makes the next regular settlement.~~

~~(b)~~ A certificate of delinquency shall bear interest at twelve percent (12%) per annum simple interest from the date the certificate of delinquency is issued. A fraction of a month is counted as an entire month. ***The amount on which interest is calculated includes the following:***

1. ***The face amount of the tax due;***
2. ***The ten percent (10%) penalty;***
3. ***The five dollar (\$5) sheriff's fee; and***
4. ***Advertising costs incurred.***

~~(b)~~ ***If a certificate of delinquency is paid by a private purchaser, the amount paid by the private purchaser shall become the base amount upon which interest is calculated from the date of purchase until paid.***~~[The total amount of the certificate of delinquency, the clerk's add-on fee provided in KRS 134.480, and the county attorney's add-on fee provided in this section shall be included in the base for the interest calculation].~~

(2) All tax bills on omitted property that were not turned over to the sheriff in time to be collected or to make the sale provided for in KRS 134.430 and 134.440 shall also be submitted to the fiscal court but shall be carried over as a charge against the sheriff at the time he makes his next regular settlement.

~~(3)~~~~(2)~~ The department shall be responsible for the collection of certificates of delinquency and delinquent personal property tax bills; however, the department shall first offer the collection duties to the county attorney, unless the department determines that the county attorney has previously failed to perform collection duties in a reasonable and acceptable manner. Any county attorney desiring to perform the duties associated with the collection of delinquent tax claims shall enter into a contract with the department on an annual basis. The terms of the contract shall specify the duties to be undertaken by the county attorney. These duties shall include but are not limited to the following actions:

- (a) Within fifty (50) days after the issuance of a certificate of delinquency to the state, county, and taxing district, the county attorney or the department~~[of Revenue]~~ shall cause a notice of the purchase to be mailed by regular mail to the property owner at the address on the records of the property valuation administrator. The notice shall advise the owner that the certificate is a lien of record against all property of the owner, and bears interest at the rate of twelve percent (12%) per annum, and if not paid will be subject to collection by the county attorney as provided by law.
- (b) The county attorney shall file in the office of the county clerk a list of the names and addresses to which the notice was mailed along with a certificate that the notice was mailed in accordance with the requirements of this section.
- (c) All notices returned as undeliverable shall be submitted to the property valuation administrator. The property valuation administrator shall attempt to correct inadequate or erroneous addresses and, if property has been transferred, shall determine the new owner and the current mailing address. The property valuation administrator shall return the notices with the corrected information to the county attorney prior to the expiration of the one (1) year tolling period provided in KRS 134.470.
- (d) Within ninety (90) days after the expiration of the one (1) year tolling period provided in KRS 134.470, the county attorney shall cause a notice of his intention to enforce the lien to be mailed to all owners whose tax bills remain delinquent. No second notice shall be required for addresses previously determined to be undeliverable and for which the property valuation administrator has not provided corrected information.
- (e) Failure to mail the notices shall not affect the validity of the claim of the state, county, and taxing district. The postal cost of mailing the notices shall be added to the certificate of delinquency and, upon collection, the county attorney shall be reimbursed for the postage. The county attorney shall deliver at

the same time a list of the owners whose tax bills remain delinquent to the property valuation administrator. The property valuation administrator shall review this list in accordance with the provisions of KRS 132.220 to establish that the properties on the list can be identified and physically located.

- (4)~~(3)~~ The county attorney who enters into a contract with the department shall have a period of two (2) years after the expiration of the one (1) year tolling period provided in KRS 134.470 to collect delinquent tax bills or to initiate court action for their collection. At the expiration of the two (2) years the department may assume responsibility for all uncollected bills except those with pending court action.
- (5)~~(4)~~ The county attorney who enters into a contract with the department and performs his or her duties in respect to the certificate of delinquency and delinquent personal property tax bills shall be entitled to twenty percent (20%) of the amount due each taxing unit, whether the tax claim is voluntarily paid or is paid through sale or under court order, and the fee shall be paid to him by the county clerk when making distribution, as provided in KRS 134.480. This fee shall be added to the amount of the tax claims and paid by the persons paying the tax claims. They shall not be paid by the taxing districts or deducted from the taxes due the taxing districts. This fee shall be waived if the certificate of delinquency is paid by the taxpayer only within five (5) days of the sheriff's sale. If more than one (1) county attorney renders necessary services in an effort to collect a tax claim, the attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the fee. When the county attorney's office, in an effort to collect a certificate of delinquency, or delinquent personal property tax bills files a court action or files a cross-claim, an additional county's attorney fee equal to thirteen percent (13%) of the total tax plus ten percent (10%) penalty *and actual costs, including additional attorneys' fees incurred by the county attorney necessary to prosecute any of the collection remedies available in subsections (2) and (3) of Section 5 of this Act*, may be added to the certificate or the bill and shall become part of the tax claim.
- (6)~~(5)~~ If a county attorney chooses not to contract for these collection duties or if a county attorney fails to perform the duties required by the contract, the department shall assume responsibility for the collection process. In the performance of those duties, the department shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of the amount due on the certificate of delinquency conferred generally upon the department by Kentucky Revised Statutes including, but not limited to, KRS Chapters 131, 134, and 135. The twenty percent (20%) fee that would have otherwise been paid to the county attorney shall be paid to the department for deposit in the delinquent tax fund provided for under KRS 134.400.
- (7)~~(6)~~ Any action on behalf of the state, county, and taxing districts authorized by this section or by KRS 134.470, 134.490, or 134.540 shall be filed on relation of the commissioner, and the petition may be sent to the department, which may require revision in instances where it deems revision or amendment necessary. The department shall advise the county attorney in all actions, and may send him or her special assistance when the commissioner deems assistance necessary. A copy of the judgment shall also be sent to the department. If the department sends assistance to a county attorney who contracts to prosecute the suits or proceedings, the county attorney shall be entitled to his or her full fee. On the same day that suit is filed, the county clerk shall be given notice of its filing. Costs incident to the suit shall become a part of the tax claim.
- (8)~~(7)~~ The department may make its delinquent tax collection databases and other technical resources, including but not limited to income tax refund offsetting, available to the county attorney upon request from the county attorney. The county attorney seeking assistance shall enter into any agreements required by the department to protect taxpayer confidentiality, to ensure database integrity, or to address other concerns of the department.
- (9)~~(8)~~ The county attorney may, at any time after assuming collection duties, enter into an agreement with the delinquent taxpayer to accept installment payments on the delinquent tax bill. The agreement shall not waive the county attorney's right to initiate court action or other authorized collection activities if the taxpayer does not make payments in accordance with the agreement.

Section 7. KRS 134.990 is amended to read as follows:

- (1) Any sheriff who violates subsection (2) of KRS 134.140 shall be fined one hundred dollars (\$100) for each offense.

- (2) Any person who violates the provisions of KRS 134.150 shall, upon indictment and conviction in the county in which the act was done, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and be removed from office.
- (3) Any sheriff who violates subsection (3) of KRS 134.170 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense.
- (4) Any sheriff who violates subsection (2) of KRS 134.200 shall be fined not less than five hundred dollars (\$500) for each offense.
- (5) Any outgoing sheriff who fails for ten (10) days to comply with the provisions of KRS 134.215 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and be liable on his bond for any default.
- (6) Any sheriff who fails to report as required in KRS 134.300 shall be liable to indictment in the county of his residence, and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (7) Any sheriff who fails to report as provided in KRS 134.320 shall be liable to indictment in the Franklin Circuit Court, and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense.
- (8) Any person who willfully fails to comply with any rule or regulation promulgated under subsection (4) of KRS 134.380 shall be fined not less than twenty dollars (\$20) nor more than one thousand dollars (\$1,000).
- (9) Any sheriff who violates subsection (5) of KRS 134.430 shall be fined one hundred dollars (\$100) and be liable on his official bond for the damages sustained by any person aggrieved.
- (10) Any county attorney who fails to prepare, and any sheriff who fails to serve, the notice provided for in subsection (3)~~-(2)}~~ of KRS 134.500 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
- (11) Any sheriff who intentionally fails to keep his books in an intelligible manner and according to the form prescribed by the Department of Revenue, or to make the entries required by law, shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense.
- (12) Any person who fails to do an act required, or does an act forbidden, by any provision of this chapter for which no other penalty is provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

Approved March 19, 2007.