

CHAPTER 69

(HB 382)

AN ACT relating to consumer protection.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *For the first thirty (30) days following a motor vehicle accident, a person, as that term is defined in KRS 446.010, shall not directly solicit or knowingly permit another person to directly solicit an individual, or a relative of an individual, involved in a motor vehicle accident for the provision of any service related to a motor vehicle accident.*
- (2) *For the purposes of this section, "solicit":*
 - (a) *Means to initiate communication in anticipation of financial gain or remuneration for value; and*
 - (b) *Does not include:*
 1. *Advertising directed to the general public;*
 2. *Communications by fire, police, or emergency medical personnel dispatched to a motor vehicle accident; and*
 3. *Communications by an insurer as defined by KRS 304.1-040, an agent as defined by KRS 304.9-020, or an adjuster licensed pursuant to Subtitle 9 of KRS Chapter 304, as those terms are defined in KRS Chapter 304, or an employee of an insurer or agent.*
- (3) *A person who knowingly violates this section shall be subject to a one thousand dollar (\$1,000) fine.*
- (4) *In addition to the penalty provided in subsection (3) of this section:*
 - (a) *A person licensed or certified by a regulating authority in Kentucky who violates this section may be sanctioned by the licensing or regulating authority;*
 - (b) *Any charges owed by or on behalf of an individual involved in a motor vehicle accident for services rendered by or on or behalf of a person who violates this section shall be void; and*
 - (c) *Any moneys paid by or on behalf of a victim of a motor vehicle accident for services rendered by or on behalf of a person who violates this section shall be forfeited and returned to the payor.*

➔Section 2. KRS 21A.310 is amended to read as follows:

- (1) Notwithstanding KRS 21A.160, any person violating any provision of KRS 21A.300 shall, upon conviction, be guilty of a Class A misdemeanor.
- (2) The Kentucky Supreme Court may discipline any attorney who violates any provision of KRS 21A.300.
- (3) A penalty may be imposed on an attorney pursuant to subsection (1) of this section, subsection (2) of this section, or both subsections.
- (4) *In addition to any penalties imposed pursuant to subsections (1) and (2) of this section, the penalties provided under subsection (4)(b) and (c) of Section 1 of this Act shall be imposed.*

➔SECTION 3. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

- (1) *A child-care center licensed under KRS 199.896 shall have a written plan for evacuation in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the center. The plan shall include but not be limited to:*
 - (a) *A designated relocation site and evacuation route;*
 - (b) *Procedures for notifying parents of the relocation and ensuring family reunification;*
 - (c) *Procedures to address the needs of individual children including children with special needs;*
 - (d) *Instructions relating to the training of staff or the reassignment of staff duties, as appropriate;*
 - (e) *Coordination with local emergency management officials; and*

- (f) *A program to ensure that appropriate staff are familiar with the plan's components.*
- (2) *A child-care center shall update the evacuation plan by December 31 each year.*
- (3) *A child-care center shall retain an updated copy of the plan for evacuation, provide an updated copy to appropriate local emergency management officials, and provide a copy to each parent, custodian, or guardian of the child at the time of the child's enrollment in the program and whenever the plan is updated.*

➔Section 4. Section 3 of this Act takes effect December 31, 2011.

Signed by Governor March 17, 2011.