

40 KAR 2:040. Issuance of permit to use automated calling equipment.

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.469

NECESSITY, FUNCTION, AND CONFORMITY: Sets forth the basis for issuance of permit to use automated calling equipment in the Commonwealth of Kentucky.

Section 1. (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. (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. 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. 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) "Application Form for Permit to Use Automated Dialing Equipment (1992)" is incorporated by reference.

(2) 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. (19 Ky.R. 534; Am. 1063; eff. 11-9-92; Crt eff. 2-21-2020.)