

40 KAR 2:070. Procedure for registration of telemarketing companies.

RELATES TO: KRS 367.46971, 367.46973, 367.46981

STATUTORY AUTHORITY: KRS 15.180, 367.46983

NECESSITY, FUNCTION, AND CONFORMITY: KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations 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 procedures for the registration of telemarketing companies governed by the provisions of KRS 367.46951 to 367.46999.

Section 1. Registration. (1)(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(2) A registration may be withdrawn prior to approval by submitting a written request that the application be withdrawn.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. (1) 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:

(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 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Commonwealth of Kentucky Telemarketing Company Registration Statement", Form Ts-1, 2002;

(b) "Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company, Consent For Service, Form Ts-2, 2002;

(c) "Commonwealth of Kentucky, Office of the Attorney General, Bond for Telemarketing Company", Form Ts-4, 2002; and

(d) "Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Premium Surety Bond", Form Ts-5, 2002.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, 1024 Capital Center Drive, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 688; Am. 1283; eff. 10-12-94; 25 Ky.R. 1098; 1581; eff. 1-19-99; 29 Ky.R. 1298; 2075; eff. 2-16-03.)