

**OFFICE OF ATTORNEY GENERAL**  
**Office of Regulatory Relief**  
**(Amendment)**

**40 KAR 12:300. ~~Issuance of permit to use automated~~ Automated calling equipment operators.**

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

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

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.469 requires the Attorney General to promulgate an administrative regulation to establish an automated calling equipment use permit application. KRS 367.469(1) requires an automated calling equipment operator to file a surety bond. KRS 367.469(2) authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.461 to 367.469. This administrative regulation establishes an online permit application, an online permit renewal application and a surety bond form to be used by automated calling equipment operators [~~Sets forth the basis for issuance of permit to use automated calling equipment in the Commonwealth of Kentucky.~~].

Section 1. Automated Calling Equipment Operator Permit Application.

(1) An operator shall not use automated calling equipment to call Commonwealth of Kentucky resident telephone numbers unless the Attorney General approves the operator's permit application in accordance with this administrative regulation. An applicant shall submit an online permit application using the "Automated Calling Equipment Operator Permit application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) To complete an online application, an applicant shall submit:

(a) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(b) A completed Automated Calling Equipment Operator Surety Bond, form T-4, a completed surety bond complying with KRS 367.469; or alternate form of surety acceptable to the Attorney General.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if the applicant fails to timely complete the application by not paying the application fee or not providing requested information or required documents.

~~[(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. Automated Calling Equipment Operator Permit Renewal Application.

(1) An approved automated calling equipment operator permit or renewal shall be valid for one (1) year from the written confirmation date of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current permit, an automated calling equipment operator may renew its permit. Permit renewal shall be accomplished by submitting an online renewal application using the "Automated Calling Equipment Operator Permit Renewal application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(3) To complete the online renewal application portal, a permit holder shall submit a completed Automated Calling Equipment Operator Surety Bond, form T-4, a completed surety bond complying with KRS 367.469, or an alternate form of surety acceptable to the Attorney General, if a prior submitted surety bond or surety is no longer current.

(4)

(a) A permit holder shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any renewal application if a permit holder fails to timely complete the application by not submitting requested information or documents.

(5) Any permit renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any permit renewal and shall not prevent subsequent proceedings against a permit holder.

~~[(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. Written Notification of Material Changes. A permit holder shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the original application, any renewal application, application attachments, or prior written notices. ~~[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. Record Requests. An automated calling equipment operator shall make requested business records, documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request. ~~[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) The following material is incorporated by reference:
- (a) "Automated calling Equipment Operator Permit application portal", March 2026;  
~~["Application Form for Permit to Use Automated Dialing Equipment (1992)" is incorporated by reference.]~~
  - (b) "Automated Calling Equipment Operator Permit Renewal application portal", March 2026; and
  - (c) Automated Calling Equipment Operator Surety Bond", Form T-4, March 2026;
- (2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, <https://ag.ky.gov/Pages/default.aspx>. ~~[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.]~~

*STEPHEN B. HUMPHRESS, Executive Director*  
*RUSSELL COLEMAN, Attorney General*

APPROVED BY AGENCY: March 24, 2026

FILED WITH LRC: March 24, 2026 at 12:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on June 23, 2026, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on June 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: [steve.humphress@ky.gov](mailto:steve.humphress@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:** Stephen B. Humphress

**Subject Headings:** Attorney General; Occupations and Professions; Telecommunications, and Bonds

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes the online permit application, online permit renewal application, and surety bond form to be used by automated calling equipment operators.

**(b) The necessity of this administrative regulation:**

This regulation is necessary since it allows the Office of Attorney General ("Attorney General"), to perform its statutory mandates.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.469 requires the Attorney General to promulgate an administrative regulation to establish an automated calling equipment use permit application. KRS 367.469(1) requires an automated calling equipment operator to file a surety bond. KRS 367.469(2) authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.461 to 367.469.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation establishes the online permit application, permit renewal application, and surety bond form to be used by automated calling equipment operators.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment makes changes to comply with KRS Chapter 13A drafting requirements. The amendment establishes an online permit application, an online permit renewal application, and updates the surety bond form. The amendment removes unnecessary language from the regulation as duplicative and already incorporated by reference in incorporated online application processes.

**(b) The necessity of the amendment to this administrative regulation:**

The Attorney General needs to update regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General also needs to update its regulation and forms to make both easier to be understood by regulated entities and consumers. The Attorney General also needs to modernize application and documentation processes by providing online processes.

**(c) How the amendment conforms to the content of the authorizing statutes:**

As previously explained, KRS 15.180, 367.150(4), and 367.469 authorize the administrative regulation amendments.

**(d) How the amendment will assist in the effective administration of the statutes:**

The regulation amendments will cause the regulation to be more easily understood by regulated entities and consumers. The regulation amendments will provide online application and renewal processes for regulated entities and cause the form used by regulated entities to be more easily understood and completed. Regulation amendments will result in saved administrative resources and time and produce quicker processing time by Attorney General staff.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? No**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This regulation amendment affects approximately thirteen (13) automated calling equipment operators holding permits, the Attorney General, and unknown future applicants.

**(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:**

Automated calling equipment permit holders will be required to use the online renewal application incorporated into this regulation. Future applicants will be required to use the online permit application incorporated into this regulation. Attorney General staff will review and process the new online submissions and new bond forms for compliance with law.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

Applicants and registered telemarketing companies will bear no additional costs as they will be able to use the online application processes and download the updated form at no cost from the Attorney General's website. The Attorney General will have no additional costs to review the new online submissions or new forms.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

The regulation amendments are intended to make the regulation and forms more easily understood and completed. The online application and renewal processes will make it easier for applicants and regulated entities to apply, renew and provide required documentation. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker processing time by Attorney General staff.

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

There are no costs to implement this administrative regulation amendment.

**(b) On a continuing basis:**

There are no continuing costs to implement this administrative regulation amendment.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

There are no additional costs associated with implementing this administrative regulation amendment, so no funding is needed.

**(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

There is no anticipated increase in fees or funding necessary to amend this administrative regulation.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation amendment does not directly or indirectly increase any fees.

**(10) TIERING: Is tiering applied?**

No. This administrative regulation applies equally to all automated calling equipment operators.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

KRS 15.180, 367.150(4), and 367.469.

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

1960 Ky. Acts Ch. 68, Art. II, sec. 1; 1972 Ky. Acts Ch. 4, sec. 4; and 1992 Ky. Acts Ch. 32, sec. 5.

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division in (3) (a):

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:**There are no expenditures to administer this administrative regulation for the first year.

**For subsequent years:**There will be no expenditures to administer the administrative regulation in subsequent years.

**2. Revenues:**

**For the first year:**The administrative regulation will generate no revenues to the Attorney General in the first year.

**For subsequent years:**The administrative regulation will generate no revenues to the Attorney General in subsequent years.

**3. Cost Savings:**

**For the first year:**In the first year, the Attorney General will have cost savings from efficient and quicker processing of applications which are difficult to estimate at this time but estimated to be de minimis.

**For subsequent years:**In subsequent years, the Attorney General will have cost savings from efficient and quicker processing of applications which are difficult to estimate at this time but estimated to be de minimis.

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

The administrative regulation will not affect any local entities.

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:**This administrative regulation will not cause expenditures by local entities for the first year.

**For subsequent years:**This administrative regulation will not cause expenditures by local entities in subsequent years.

## **2. Revenues:**

**For the first year:Local entities will receive no revenues from this administrative regulation for the first year.**

**For subsequent years:Local entities will receive no revenues from this administrative regulation in subsequent years.**

## **3. Cost Savings:**

**For the first year:Local entities will receive no cost savings from this administrative regulation for the first year.**

**For subsequent years:Local entities will receive no cost savings from this administrative regulation for subsequent years.**

### **(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

Automated calling equipment operators will be affected by this administrative regulation.

### **(b) Estimate the following for each regulated entity identified in (5)(a):**

#### **1. Expenditures:**

**For the first year:This administrative regulation will not cause automated calling equipment operators to have additional expenditures for the first year.**

**For subsequent years:This administrative regulation will not cause automated calling equipment operators to have additional expenditures for subsequent years.**

#### **2. Revenues:**

**For the first year:Automated calling equipment operators will not receive any revenues directly from this administrative regulation for the first year.**

**For subsequent years:Automated calling equipment operators will not receive any revenues directly from this administrative regulation for subsequent years.**

#### **3. Cost Savings:**

**For the first year:For the first year, automated calling equipment operators will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate currently but are estimated to be de minimis.**

**For subsequent years:For subsequent years, Automated calling equipment operators will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate currently but are estimated to be de minimis.**

### **(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

#### **(a) Fiscal impact of this administrative regulation:**

This administrative regulation will have no fiscal impact. The new regulation merely creates an online permit application, an online renewal application, and updates a surety bond form for use by automated calling equipment operators. The regulation does not affect any other governmental agencies or local governments. The regulation does not establish any fees. For these reasons, the regulation is not expected to have any significant fiscal impact.

#### **(b) Methodology and resources used to reach this conclusion:**

The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources to determine the fiscal impact.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):**

There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.

**(b) The methodology and resources used to reach this conclusion:**

The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources to reach the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.