

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

40 KAR 12:310. ~~{Procedure for registration of telemarketing}~~ Telemarketing companies.

RELATES TO: KRS 367.46971, 367.46973, 367.46981

STATUTORY AUTHORITY: KRS 15.180, ~~367.150(4), 367.46971,~~ 367.46983

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 367.46971 requires the Attorney General to promulgate administrative regulations to establish a telemarketing company registration form. KRS 367.46981 requires telemarketing companies to file surety bonds and to notify the Attorney General when offering a premium promotion. KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of~~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 an online registration application, an online renewal application, surety bond forms, and premium promotion report form to be used by telemarketing companies.~~procedures for the registration of telemarketing companies governed by the provisions of KRS 367.46951 to 367.46999.~~

Section 1. Telemarketing Company Registration Application.

(1) A telemarketing company shall not initiate or receive telephone calls with Commonwealth of Kentucky residents unless the Attorney General approves the telemarketing company's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the "Telemarketing Company Registration 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) Payment of the \$300.00 registration fee;

(b) 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;

(c) Copies of the applicant's articles of incorporation, bylaws and any amendments to those if applicant is a corporation, or copies of applicant's articles of organization, operating agreement, and any amendments to those if the applicant is a limited liability company, or copies of the applicant's partnership agreement if applicant is a partnership, and copies of the same organizational documents for any parent or affiliated organization disclosed in the online registration application;

(d) A completed Telemarketing Company Surety Bond, form T-1 or other surety bond complying with KRS 367.46981;

(e) A completed Telemarketing Company Surety Bond, form T-3 or other surety bond complying with KRS 367.46981, when the applicant intends to offer a premium promotion in accordance with Section 3 of this administrative regulation; and

(f) Copies of the applicant's sales information and literature.

(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 any application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.

~~{(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. Telemarketing Company Renewal Application.

(1) An approved telemarketing company registration 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 registration, a registered telemarketing company may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the "Telemarketing Company Renewal Application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(3) To complete an online renewal application, a registrant shall submit:

(a) Payment of the \$50.00 registration renewal fee;

(b) A completed Telemarketing Company Surety Bond, form T-1, or other surety bond complying with KRS 367.46981, if a prior submitted surety bond is no longer current; and

(c) A completed Telemarketing Company Surety Bond, form T-3, or other surety bond complying with KRS 367.46981, if the registrant intends to offer a premium promotion in accordance with Section 3 of this administrative regulation; and

(d) Copies of any new sales information and literature not previously provided.

(4)

(a) A registrant 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 registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

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

Section 3. Premium Promotion Report and Surety Bond. Ten (10) days prior to starting a promotion offering a premium with an actual or advertised market value of five hundred dollars (\$500.00) or more, a registered telemarketing company shall complete and submit a Telemarketing Company Premium Promotion Report, form T-2, to the Attorney General's office and submit a copy of a completed Telemarketing Company Premium Promotion Surety Bond, form T-3, or other surety bond complying with KRS 367.46981.

Section 4. Written notification of material changes.

(1) Except as provided in Section 4(2), a registered telemarketing company shall notify the Attorney General, in writing, within fourteen (14) days of any material change in the information provided in the registrant's original application, any renewal application, application attachments, or written notices. [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:]

(2) A registered telemarketing company shall provide written notice of any material changes relating to salespersons in its application, renewal applications or prior written notices in quarterly intervals computed from the effective date of registration or renewal.

~~[(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 5. Record Requests. A telemarketing company 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.

Section 6. [Section 3.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Telemarketing Company Registration application portal", March 2026;
~~["Commonwealth of Kentucky Telemarketing Company Registration Statement", Form Ts-1, 2002;]~~

(b) "Telemarketing Company Renewal application portal", March 2026;
~~["Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company, Consent For Service, Form Ts-2, 2002;]~~

(c) "Telemarketing Company Surety Bond", Form T-1, March 2026; ~~["Commonwealth of Kentucky, Office of the Attorney General, Bond for Telemarketing Company", Form Ts-4, 2002; and]~~

(d) "Telemarketing Company Premium Promotion Report," Form T-2, March 2026;
and ~~["Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Premium Surety Bond", Form Ts-5, 2002]~~

(e) "Telemarketing Company Premium Promotion Surety Bond", Form T-3, 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, Frankfort, Kentucky, 40601, Monday through Friday, 8 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>.~~]~~

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 administrative regulation shall be held on June 23, 2026, at 10:30 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 the Attorney General 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.

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 registration application, an online registration renewal application, a surety bond form, a premium promotion report form, and a premium surety bond form to be used and filed by telemarketing companies.

(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. The regulation is needed so that telemarketing companies can comply with statutory requirements.

(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 367.46971 requires the Attorney General to promulgate administrative regulations to establish a telemarketing company registration application. KRS 367.46981 requires telemarketing companies to file surety bonds. KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.46951 to 367.46999.

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

This administrative regulation establishes the online registration application, the online renewal application, a surety bond form, a premium promotion report form, and a premium surety bond form to be used and filed by telemarketing companies.

(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. This amendment removes unnecessary language from the regulation as duplicative and already incorporated by reference in incorporated application processes. The amendment updates incorporated forms so that they are easier to understand and consistent in appearance. The amended regulation provides better notice about when regulated businesses must file required forms. The amended regulation provides better notice about when regulated businesses must file required renewals and reports.

(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 needs to update its regulation so that it is easier to understand. The Attorney General needs to update the forms incorporated by the regulation so that they are easier to understand. The Attorney

General needs to modernize application and payment processes by providing for online processes.

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

As previously explained, KRS 15.180, 367.150(4), 367.46971, and 367.46981 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 forms 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 forty-two (42) registered telemarketing companies, 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:

Future applicants will be required to use the online registration application incorporated into this regulation. Registered telemarketing companies will be required to use the new online renewal application incorporated into this regulation. Attorney General staff will review and process the new online submissions and new 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 updated forms at no cost from the Attorney General's website. The Attorney General will have no additional costs to review the new online submissions and 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 regulations 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 telemarketing companies.

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), 367.46971, and 367.46981.

(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 1994 Ky. Acts Ch. 302, sec. 11.

(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. Registration fees referenced in the regulation are established by statute.

For subsequent years:The administrative regulation will generate no revenues to the Attorney General in subsequent years. Registration fees referenced in the regulation are established by statute.

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):

Telemarketing companies and applicants 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 telemarketing companies and applicants to have additional expenditures for the first year.

For subsequent years:This administrative regulation will not cause telemarketing companies and applicants to have additional expenditures for subsequent years.

2. Revenues:

For the first year:Telemarketing companies and applicants will not receive any revenues directly from this administrative regulation for the first year.

For subsequent years:Telemarketing companies and applicants will not receive any revenues directly from this administrative regulation for subsequent years.

3. Cost Savings:

For the first year:For the first year, telemarketing companies and applicants 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, telemarketing companies and applicants 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 registration application, a registration renewal application, and updates forms for use by telemarketing companies. 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.