

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amended at ARRS Committee)

40 KAR 12:500. Going out of business, fire, removal , and other KRS 365.415 sales [~~Application for conducting more than two (2) going out of business sales in four (4) years form~~].

RELATES TO: KRS 365.415, 365.420[365.447]

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 365.420(7)[365.447]

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 365.415 and 365.420 require sellers conducting going out of business, fire, removal , and other KRS 365.415 sales to submit license applications and bonds with the county clerk where the sales occur. KRS 365.420(7) requires the Attorney General to promulgate an administrative regulation to establish a license application form containing an inventory itemization relating to going out of business, fire, removal , and other KRS 365.415 sales. KRS 365.420(8) requires applicants to submit surety bonds to county clerks with an application. This administrative regulation *establishes* [~~prescribes~~] the license application and bond forms to be used by persons conducting going out of business, fire, removal, and other KRS 365.415 sales. [To fulfill the requirement for an application form to conduct more than two (2) going out of business sales in a four (4) year period identified in KRS 365.447.]

Section 1. License Application for Going out of Business, Fire, Removal, or Other KRS 365.415 Sale[~~Excess Permits Form~~]. (1) A seller shall not conduct a going out of business, fire, removal, or other KRS 365.415 sale unless the county clerk of the county where a proposed sale is located approves a seller's license application in accordance with this administrative regulation. An applicant shall complete and submit to the county clerk a Going out of Business, Fire, Removal, or Other KRS 365.415 Sale License Application, form GOB-1, to the county clerk, and submit a completed Going out of Business, Fire, Removal, or Other KRS 365.415 Sale Surety Bond, form GOB-2, or other surety bond in compliance with KRS 365.415/satisfactory to the county clerk.[~~The "Application for Excess Permits Form GOB-2" required by KRS 365.447 shall contain the following information:~~]

[(1)] [~~The title of the county clerk;~~]

[(2)] [~~The number of going out of business permits acquired by the applicant during past four (4) years;~~]

[(3)] [~~For each of the previous sales, the applicant shall provide the name of the store involved, the name(s) of the owner(s), and the date and address of the sale;~~]

[(4)] [~~The name and address of the owner(s) of the goods to be sold. If the owner is a partnership, corporation, firm, or association, list all partners and officers;~~]

[(5)] [~~The address of the principal office of the applicant in Kentucky;~~]

[(6)] [~~The date and place of incorporation or organization of the business;~~]

[(7)] [~~Whether the controlling interest in the firm or business has been transferred within the twelve (12) months prior to the filing of the application. If the answer is yes, then specify the parties to the transfer and the date of the transfer;~~]

[(8)] [~~The name and style in which the sale is to be conducted;~~]

- ~~[(9)] [The address of the premises where the sale will be conducted;]~~
- ~~[(10)] [The date the sale is to begin and the projected duration of the sale;]~~
- ~~[(11)] [The name and address of the person who will be in charge and responsible for the conduct of the sale;]~~
- ~~[(12)] [Nature of the occupancy (lease, etc.) of the premises where the sale is to be held, and the effective date of the termination of the occupancy;]~~
- ~~[(13)] [The condition or necessity which is the occasion of the sale;]~~
- ~~[(14)] [An explanation of the condition or necessity for the previous sales, and the legitimate business reason for obtaining the excess permits;]~~
- ~~[(15)] [The name of the sale, and the reason why the name is truthfully descriptive of the sale;]~~
- ~~[(16)] [The location to which the business will be relocated if the sale is a removal sale;]~~
- ~~[(17)] [The time, location, and cause of damage to the goods if the license is to conduct a fire sale;]~~
- ~~[(18)] [Whether the sale involves foods or drugs damaged by fire or other casualty. If it does, proof of approval by the Department for Human Resources must be provided before the application may be accepted;]~~
- ~~[(19)] [The total value of the inventory at cost, with inventory pages from Form GOB-1 attached;]~~
- ~~[(20)] [The total value of the inventory at retail from the attached GOB-1 inventory pages;]~~
- ~~[(21)] [A sworn and notarized statement from the authorized individual filing the application;]~~
- ~~[(22)] [A notice that the applicant will be charged the actual costs of the Attorney General's investigation. The minimum charge will be twenty five (25) dollars, and the maximum charge will be \$250.]~~

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

~~[(1)] [The "Application for Conducting More Than Two (2) Going out of business Sales in Four (4) Years Form GOB-2" is incorporated by reference.]~~

~~(a) "Going Out of Business, Fire, ~~f and~~ Removal , and Other KRS 365.415 Sale License Application", form GOB-1, Feb. 2026; and~~

~~(b) "Going Out of Business, Fire, ~~f and~~ Removal , and Other KRS 365.415 Sale Surety Bond", form GOB-2, Feb. 2026.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law. ~~[Copies of the "Application For Conducting More Than Two (2) Going out of business Sales In Four (4) Years Form GOB-2" may be inspected, copied, or obtained]~~ at the Office of the Attorney General, Capital Complex East~~[Consumer Protection Division]~~, 1024 Capital Drive, Frankfort, Kentucky 40601~~[40602]~~, Monday through Friday, between the hours of 8:00~~[8:30]~~ a.m. and 4:30 p.m.~~[, Monday through Friday.]~~ This material is also available on the Office's website, <https://ag.ky.gov/Pages/default.aspx>.~~

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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.