

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

40 KAR 12:610. Nonresident sellers of visual ~~Visual~~ aid glasses~~seller annual registration requirements~~.

RELATES TO: KRS 367.680, 367.681, 367.686, 367.688, 367.689, 367.690

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.688, 367.689

CERTIFICATION STATEMENT:

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 study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.688 requires the Attorney General to provide for annual registrations of all nonresident sellers of visual aid glasses. KRS 367.688 requires the Attorney General to charge fees for registrations and investigations of nonresident sellers of visual aid glasses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of visual aid glasses. **KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of visual aid glasses.** ~~[KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of visual aid glasses.]~~ This administrative regulation establishes the online registration application and the online renewal application used by nonresident sellers of visual aid glasses and establishes annual registration and investigation fee. ~~[establishes requirements for annual registration required by KRS 367.686 for a person located outside of Kentucky who ships, mails, delivers, sells, or dispenses visual aid glasses to a patient at a Kentucky address].~~

Section 1. Nonresident Seller of Visual Aid Glasses ~~Seller~~ Registration Application.

(1) A non-resident seller shall not sell visual aid glasses to Commonwealth of Kentucky residents unless the Attorney General approves the nonresident seller's online registration application in accordance with this administrative regulation. An applicant shall submit an online application using the ~~the~~ Nonresident Seller of Visual Aid Glasses Registration Application portal ~~available~~ at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) **To submit ~~When submitting~~ an online application, each applicant shall submit:**

(a) Payment of the \$500.00 registration fee;

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

(c) A copy of the applicant's **registration or license** ~~registration/license~~ from the state where applicant's dispensing facility is located.

(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 providing requested information or documents. ~~[Form. A registrant shall register annually by submitting a complete Visual Aid Glasses Seller Registration, Form G-1, containing all information~~

and the registration fee required by this administrative regulation. The Visual Aid Glasses Seller Annual Registration, Form G-1, shall contain the following:}]

- {(1)} [The legal name of the registrant;]
- {(2)} [Other names under which the registrant conducts business;]
- {(3)} [The registrant's contact person including name, title, business address, phone number,] [and fax number. The contact person's email address may also be provided;]
- {(4)} [The registrant's principal physical business location, which shall not be a post office box;]
- {(5)} [The registrant's mailing address;]
- {(6)} [The location where the registrant keeps or maintains records of its Kentucky customers;]
- {(7)} [The toll-free phone numbers for questions from customers, optometrists, osteopaths and physicians;]
- {(8)} [The registrant's fax number;]
- {(9)} [The registrant's website;]
- {(10)} [Whether the registrant has been the subject of civil or criminal action by an agency in any state that regulates the sale or dispensing of visual aid glasses, and, if yes, an explanation;]
- {(11)} [A list of each state in which the registrant is registered or licensed to sell or dispense] [visual aid glasses;]

Section 2. Annual Registration and Investigation Fee.

- {(12)} [An] The annual registration and investigation fee for a nonresident seller of visual aid glasses shall be [of] \$500.00. [enclosed with each registration in the form of a check made payable to "Kentucky State Treasurer"; and]
- {(13)} [The signature of the registrant or a person authorized to sign on behalf of the registrant, the printed name and title of the person signing the registration form, and the date of the signature. The signature shall constitute a certification that the statements contained in the registration form are true and correct to the best of the knowledge and belief of the person signing the registration form.]

Section 3. [Section 2.] Nonresident Seller of Visual Aid Glasses Renewal Application.

- (1) An approved nonresident seller of visual aid glasses registration or renewal shall be valid for one (1) year from the date of written confirmation of registration or renewal approval provided by the Attorney General.
- (2) Thirty (30) days prior to the expiration of a current registration, a registered nonresident seller of visual aid glasses may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the ~~f" /~~ Nonresident Sellers of Visual Aid Glasses Renewal Application portal ~~f" /~~ available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.
- (3) To submit ~~When submitting /~~ an online renewal application, each registrant shall submit payment of the annual \$500.00 registration fee.
- (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 a renewal application if the registrant fails to timely complete the application by not paying the annual registration 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. [The original completed Visual Aid Glasses Seller Registration, Form G-1, and the registration fee, shall be mailed or

~~delivered to the Kentucky Office of the Attorney General, Office of Consumer Protection, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.~~

Section 4. ~~[Section 3.]~~ Written Notification of Material Changes. A registered nonresident seller of visual aid glasses ~~[The registrant]~~ shall notify the Attorney General, in writing, within fourteen (14)~~[thirty (30)]~~ days of any material change to information provided in the registrant's original application, any renewal application or application attachments~~[Visual Aid Glasses Seller Registration, Form G-1, in writing at the address shown in Section 2 of this administrative regulation].~~

~~[Section 4.] [A notice or letter from the Attorney General to a registrant may be sent by first-class regular mail to a last known address as shown in the registrant's last Visual Aid Glasses Seller Registration, Form G-1, or in the registrant's last notice of material change provided pursuant to Section 3 of this administrative regulation.]~~

Section 5. Record Requests. A nonresident seller of visual aid glasses shall make requested business records and documents related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request. ~~[The Attorney General may charge a fee for investigation of nonresident dispensers of visual aid glasses based on reasonable expenses incurred during the complaint or investigation process, in accordance with KRS 367.688].~~

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference: ["Visual Aid Glasses Seller Registration, Form G-1", 2018, is incorporated by reference.]

(a) "Nonresident Seller of Visual Aid Glasses Registration Application" ~~[portal]~~, Feb. 2026; and

(b) "Nonresident Seller of Visual Aid Glasses Renewal Application" ~~[portal]~~ ", Feb. 2026;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the ~~[Kentucky]~~Office of the Attorney General, Capital Complex East,~~[Office of Consumer Protection,]~~ 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>.

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