

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(New Administrative Regulation)

40 KAR 12:450. Emergency Contractors.

RELATES TO: KRS 367.379

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.379(8)

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 367.379(8) authorizes the Attorney General to promulgate administrative regulations pertaining to emergency contractors. This administrative regulation establishes an online registration application, an online renewal application, person in control statement, and a surety bond form to be used by emergency contractors in designated emergency areas.

Section 1. Emergency Contractors Registration Application.

(1) Except as provided in paragraph (4) of this Section, a contractor shall not perform services for Commonwealth of Kentucky residents in a designated emergency area under a KRS 367.379(2)(a) Attorney General executive order, unless the Attorney General approves the contractor's online emergency contractor registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the Emergency Contractor 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 \$100.00 registration fee;
- (b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, other evidence of the applicant's authority to transact business in Kentucky, or verification of a sole proprietor's business address;
- (c) Copies of the applicant's general liability insurance policy or insurance declaration page evidencing insurance coverage in the minimum amount of \$200,000; a completed Emergency Contractor Bond, form EC-1; or other completed surety bond in the minimum amount of \$200,000 by a surety authorized to do business in Kentucky; and
- (d) Copies of the applicant's workers compensation insurance policy.

(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:

- 1. If an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents; or
- 2. For any reason that the Attorney General, in the exercise of sound discretion, deems sufficient.

(4) Emergency contractors shall not be required to obtain registration to perform work in a designated emergency area when:

- (a) Work is performed pursuant to a contract executed prior to a state of emergency declaration; or
- (b) The Attorney General issues an executive order under KRS 367.379(2)(b)1 determining that a local government in the designated emergency area imposes

emergency registration or emergency licensure requirements for contractors that are greater than the requirements imposed under KRS 367.379 (3)(a), (b), and (c) whereby the contractor shall comply with that local government's requirements.

Section 2. Emergency Contractor Person in Control. (1) A registrant shall not perform services for Commonwealth of Kentucky residents in a designated emergency area under a KRS 367.379(2)(a) Attorney General executive order unless the registrant designates a person responsible for the conduct of all employees and solicitors for a designated emergency area. If not provided in the original application, a registrant shall identify the person in control of a designated emergency area using the Emergency Contractor Person in Control submission portal available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

Section 3. Emergency Contractor Renewal Applications.

- (1) An approved emergency contractor registration or renewal shall be valid for one (1) year from the date of registration or renewal by the Attorney General.
- (2) Thirty (30) days prior to the expiration of a current registration, a registered emergency contractor may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the Emergency Contractor Renewal Application portal available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.
- (3) When submitting an online renewal application, each registrant shall submit:
 - (a) Payment of the \$100.00 registration renewal fee;
 - (b) If the registrant's prior submitted general liability insurance policy or surety bond is no longer current:
 1. Copies of the applicant's current general liability insurance policy or insurance declaration page evidencing insurance coverage in the minimum amount of \$200,000;
 2. A completed Emergency Contractor Bond, form EC-1; or
 3. Other completed surety bond in the minimum amount of \$200,000 by a surety authorized to do business in Kentucky; and
 - (c) If the registrant's prior submitted worker's compensation policy is no longer current, copies of the registrant's current worker's compensation insurance policy.
- (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:
 1. If a registrant fails to timely complete the application by not paying the application fee or providing requested information or documents; or
 2. For any reason that the Attorney General, in the exercise of sound discretion, deems sufficient.

Section 4. Annual Registration Fee. The annual registration fee for an emergency contractor shall be \$100.00.

Section 5. Written notification of material changes. A registered emergency contractor shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, application attachments, or written notices

Section 6. Record Requests. An emergency contractor shall make requested business records and documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 7. Subsequent Proceedings. Registration or renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to or after any registration or renewal and shall not prevent subsequent proceedings against a registrant.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Emergency Contractor Registration application", July 2026;
- (b) "Emergency Contractor Person in Control submission," July 2026; and
- (c) "Emergency Contractor Renewal application", July 2026;
- (d) "Emergency Contractor Surety Bond, Form EC-1", July 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>.

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

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 22, 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. 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 September 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.