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

40 KAR 12:300. 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) requires 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 .

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
(c) An 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.

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.

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.

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.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Automated Calling Equipment Operator Permit application portal", March 2026;

(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.

(040 KAR 002:040. 19 Ky.R. 534, 1063; eff. 11-9-1992; Crt eff. 2-21-2020; Recodified as 040 KAR 012:300; eff. 7-18-2025; 52 Ky.R. 1872; 53 Ky.R. 190; eff. 11-2-2026.)

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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.