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

40 KAR 12:310. 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 KRS 367.46951 to 367.46999. 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.

Section 1. Telemarketing Company Registration Application.
(1) A telemarking 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.

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 fifty (50) dollar 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 $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 subsection (2) of this Section, 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.

(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...

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. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Telemarketing Company Registration application portal", March 2026;

(b) "Telemarketing Company Renewal application portal", March 2026;

(c) "Telemarketing Company Surety Bond, Form T-1", March 2026;

(d) "Telemarketing Company Premium Promotion Report, Form T-2", March 2026; and"

(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.

(040 KAR 002:070. 21 Ky.R. 688, 1283; eff. 10-12-1994; 25 Ky.R. 1098, 1581; eff. 1-19-1999; 29 Ky.R. 1298, 2075; eff. 2-16-2003; Crt eff. 2-21-2020; Recodified as 040 KAR 012:310; eff. 7-18-2025; 52 Ky.R. 1874; 53 Ky.R. 191; eff. 11-2-2026.)

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