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

40 KAR 12:450. Emergency Contractors.

RELATES TO: KRS 367.379
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), ***367.379(7)*** ***~~[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(7)*** ***~~[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 ***Contractor*** ***~~[Contractors]~~*** Registration Application.

(1) Except as ***established*** ***~~[provided]~~*** in ***subsection*** ***~~[paragraph]~~*** (4) of this section, a contractor***, as defined by KRS 367.379(1)(a),*** 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) ***A copy*** ***~~[Copies]~~*** of the applicant's general liability insurance policy or insurance declaration page evidencing insurance coverage in t0he minimum amount of $200,000; a completed Emergency Contractor ***Surety*** 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) ***A copy*** ***~~[Copies]~~*** of the applicant's workers compensation insurance policy.

(3)

(a) An applicant shall complete ***the*** ***~~[its]~~*** application by submitting additional information or documents ***related to the application*** 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) ***An*** emergency ***contractor*** ***~~[contractors]~~*** shall not be required to obtain registration to perform work in a designated emergency area ***if*** ***~~[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)***, in which case[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 ***the[its]*** registration. Registration renewal shall be accomplished by submitting an online renewal application using the Emergency Contractor ***Registration*** Renewal Application Portal 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:

(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. ***A copy*** ***[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 ***Surety*** 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, ***a copy[copies]*** of the registrant's current worker's compensation insurance policy.

(4)

(a) A registrant shall complete ***the[its]*** renewal application by submitting additional information or documents ***related to the[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 5. ***[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 6. ***[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 7. ***[8.]*** Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Emergency Contractor Registration Application ***Portal***", July 2026;

(b) "Emergency Contractor Person in Control ***Portal*** ***[submission,]***", July 2026; ***[and]***

(c) "Emergency Contractor ***Registration*** Renewal Application ***Portal***", July 2026; ***and***

(d) "Emergency Contractor Surety Bond***"***, form EC-1***[")]***, July 2026.

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