

286.4-990 Civil penalties -- Actions by commissioner against violators -- Recovery of penalties and fees.

- (1)
 - (a) For any repetitive violation of this subtitle or an administrative regulation promulgated under this subtitle, or any willful violation of an order of the commissioner entered under this subtitle, the commissioner may levy a civil penalty against any licensee.
 - (b) The civil penalty shall not be less than two hundred fifty dollars (\$250) or more than two thousand five hundred dollars (\$2,500) per violation, plus the state's costs and expenses for the examination and prosecution of the matter, including reasonable attorney's fees and court costs.
- (2)
 - (a) For an occurrence of consumer harm by any licensee resulting from any violation of this subtitle, administrative regulation promulgated under this subtitle, or order of the commissioner entered under this subtitle, the commissioner may:
 1. Order any remedy authorized in subsection (4) of this section; and
 2. Levy a civil penalty against the licensee if the total amount of consumer harm exceeds one thousand dollars (\$1,000).
 - (b) The civil penalty shall be:
 1. The lesser of:
 - a. One thousand dollars (\$1,000) per consumer harmed; or
 - b. Ten percent (10%) of the total cumulative amount of ordered rescission, restitution, refund, disgorgement, or the recovery of expenses; and
 2. The state's costs and expenses for the examination and prosecution of the matter, including reasonable attorney's fees and court costs.
- (3)
 - (a) The commissioner shall levy a civil penalty against any unlicensed person who violates any provision of this subtitle, administrative regulation promulgated under this subtitle, or order of the commissioner entered under this subtitle.
 - (b) The civil penalty shall not be less than two thousand five hundred dollars (\$2,500) or more than seven thousand five hundred dollars (\$7,500) per violation, plus the state's costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs.
- (4) The commissioner may order rescission, restitution, refund, disgorgement, recovery of expenses, and direct such other affirmative action as the commissioner deems necessary against any licensee or person who violates any order issued by the commissioner or any provision of, or administrative regulation promulgated under, this subtitle. The commissioner shall have jurisdiction to institute an action in Franklin Circuit Court or any court of competent jurisdiction for the enforcement of these orders.
- (5) The commissioner may notify the Kentucky Department of Revenue, which may

institute an action in the name of the Commonwealth of Kentucky in Franklin Circuit Court, or any court of competent jurisdiction, for the recovery of any civil penalty, fine, cost, or fee assessed or levied under this subtitle.

Effective: June 27, 2019

History: Created 2019 Ky. Acts ch. 120, sec. 21, effective June 27, 2019.