

**286.12-140 Civil penalties and other remedies.**

- (1) (a) In addition to any other remedies, penalties, or damages available under common law or statute, the commissioner may impose a civil penalty based on the following:
  1. Repeat violations of this subtitle, any administrative regulation promulgated under this subtitle, or any order issued by the commissioner under this subtitle; or
  2. A pattern or practice of a licensee that results in a violation of this subtitle, any administrative regulation promulgated under this subtitle, or any order issued by the commissioner under this subtitle.
- (b) A civil penalty imposed under this subsection shall be not less than one thousand dollars (\$1,000) and not more than twenty-five thousand dollars (\$25,000) per violation per day for each day that the violation is outstanding.
- (2) In addition to any civil penalty imposed under subsection (1) of this section, the commissioner may:
  - (a) Assess costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney fees and costs; and
  - (b) When a violation applicable to borrowers with a disability, military borrowers, older borrowers, or borrowers working in public service results in financial harm, impose a civil penalty not to exceed twenty thousand dollars (\$20,000) per violation per day for each day the violation is outstanding.
- (3) The commissioner may order restitution, refund, recovery of expenses, or direct other affirmative action as the commissioner deems necessary against any person who violates any order issued by the commissioner or any provision of, or administrative regulation promulgated under, this subtitle.

**Effective:** July 14, 2022

**History:** Created 2022 Ky. Acts ch. 88, sec. 17, effective July 14, 2022.