

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2026 REGULAR SESSION  
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Amend printed copy of **HB 468**

Starting on page 19, line 9 to page 20, line 13, delete subsections (2) and (3) in their entirety and insert the following in lieu thereof:

"(2) (a) **1.** The commission or an individual designated pursuant to its administrative regulations shall:

a. ***Allow a respondent at least twenty (20) days to file a written response to the complaint; and***

b. Determine ~~{within thirty (30) days after the complaint has been filed }~~whether there is probable cause to believe the respondent has engaged in an unlawful practice.

2. a. ***If the commission determines that there is probable cause to believe that the respondent has engaged in an unlawful practice, the commission may file an action in Circuit Court in accordance with subsection (6)(a) of this section no later than one hundred eighty (180) days after its receipt of the complaint.***

b. ***If the commission declines or fails to file an action under subdivision a. of this subparagraph, the commission shall issue a notice dismissing the complaint without prejudice and furnish copies to the complainant and the respondent.***

Amendment No. HFA 1

Rep. Rep. Daniel Elliott

Committee Amendment \_\_\_\_\_

Signed:  \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRD Drafter: \_\_\_\_\_

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

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- 3.** If **the commission determines**~~[it is determined]~~ that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint **without prejudice** and ~~[shall]~~ furnish a copy of the order to the complainant~~[,]~~ **and** the respondent~~[, the Attorney General, and any other public officers and persons that the commission deems proper].~~
- 4.** **If the commission is unable to determine within one hundred eighty (180) days of its receipt of a complaint whether there is probable cause to believe the respondent has engaged in an unlawful practice, the commission shall issue a notice dismissing the complaint without prejudice and furnish copies to the complainant and the respondent.**
- (b) An individual claiming to be aggrieved by an unlawful practice other than a discriminatory housing practice may file a civil cause of action in Circuit Court pursuant to KRS 344.450 asserting a claim arising from the same facts or circumstances while the complaint is pending before the commission or after its dismissal by the commission.**
- (3) Neither the filing of the complaint with the commission nor its investigation by or pendency before the commission shall operate to toll or suspend the running of a statute of limitations under KRS 413.115 or any other statute**~~[The complainant, within ten (10) days after receiving a copy of the order dismissing the complaint, may file with the commission an application for reconsideration of the order. Upon receiving a reconsideration application, the commission or an individual designated pursuant to administrative regulation shall make a new determination within ten (10) days whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged~~

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~~in an unlawful practice, the commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent, the Attorney General, and any other public officers and persons that the commission deems proper]."; and~~

On page 21, delete lines 13 to 23 in their entirety and insert the following in lieu thereof:

- "(6) (a) **1. Not later than one hundred eighty (180) days after its receipt of the complaint**~~[At any time after a complaint is filed]~~, the commission may file an action in the Circuit Court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or has his **or her** principal place of business, seeking appropriate ~~[temporary]~~ relief against the respondent **on behalf of a private party who has not previously filed a civil cause of action for the same grievance**~~[, pending final determination of proceedings including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commission may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper].~~
- 2. The commission may request appropriate relief for the aggrieved private party on whose behalf the action was filed, not to exceed the remedies in KRS 344.450.**
- 3. A jury shall decide all matters triable by jury at common law, including without limitation questions of fact, questions of liability, and monetary damages.**
- 4. An action filed under this paragraph shall be subject to the statute of limitations in KRS 413.115.**"; and

On page 22, delete lines 7 to 13 in their entirety and insert the following in lieu thereof:

**"(d) In any civil action filed under this section, the commission may request appropriate**

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**relief for the aggrieved private party on whose behalf the action was filed, not to exceed the remedies in KRS 344.450.**"; and

On page 23, delete lines 3 to 17 in their entirety and insert the following in lieu thereof:

"➔Section 7. KRS 344.320 is amended to read as follows:

A local commission may be authorized to:

- (1) Receive, initiate, **and** investigate~~[-, hear, and determine]~~ charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the city or county;~~[-]~~
- (2) Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the Circuit Court of the county wherein the local commission is authorized to act;~~[-]~~
- (3) ~~Issue remedial orders, after notice and hearing, requiring cessation of violations.~~
- (4) ~~Issue such affirmative orders as in the judgment of the local commission will carry out the purposes of this chapter. Affirmative action ordered may include but is not limited to the remedies enumerated in subsection (3) of KRS 344.230.~~
- (5) ~~Employ an executive director, attorneys, hearing examiners, clerks~~ and other employees and agents; **and**~~[-]~~
- ~~(4)(6)~~ Accept grants, gifts, or bequests, public or private, to help finance its activities."; and

On page 23, between lines 17 and 18, insert the following:

"➔SECTION 8. KRS 344.340 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) (a) **An individual claiming to be aggrieved by a practice made unlawful by a city or county under KRS 344.300 may file with a local commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the local commission to identify the respondent. The local commission shall make**

- reasonable accommodations to assist persons with disabilities in filing a written sworn complaint. The local commission shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within five (5) days furnish the respondent with a copy of the complaint. The complaint shall be filed within one hundred eighty (180) days after the alleged unlawful practice occurs.
- (b) An individual claiming to be aggrieved by a practice made unlawful by a city or county under KRS 344.300 may file a civil cause of action in Circuit Court pursuant to KRS 344.450 without first filing a complaint with a local commission.
- (2) (a) 1. The local commission shall:
- a. Allow a respondent at least twenty (20) days to file a written response to the complaint; and
  - b. Determine whether there is probable cause to believe the respondent has engaged in an unlawful practice.
2. a. If the local commission determines that there is probable cause to believe that the respondent has engaged in an unlawful practice, the local commission may file an action in Circuit Court in accordance with subsection (6)(a) of this section no later than one hundred eighty (180) days after its receipt of the complaint.
- b. If the local commission declines or fails to file an action under subdivision a. of this subparagraph, the local commission shall issue a notice dismissing the complaint without prejudice and furnish copies to the complainant and the respondent.
3. If the local commission determines that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the local commission shall issue an order dismissing the complaint without prejudice

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and furnish a copy of the order to the complainant and the respondent.

4. If the local commission is unable to determine within one hundred eighty (180) days of its receipt of a complaint whether there is probable cause to believe the respondent has engaged in an unlawful practice, the local commission shall issue a notice dismissing the complaint without prejudice and furnish copies to the complainant and the respondent.
- (b) An individual claiming to be aggrieved by a practice made unlawful by a city or county under KRS 344.300 may file a civil cause of action in Circuit Court pursuant to KRS 344.450 asserting a claim arising from the same facts or circumstances while the complaint is pending before the local commission or after its dismissal by the local commission.
- (3) Neither the filing of the complaint with a local commission nor its investigation by or pendency before a local commission shall operate to toll or suspend the running of a statute of limitations under KRS 413.115 or any other statute.
- (4) (a) If the local commission determines after investigation that there is probable cause to believe that the respondent has engaged in an unlawful practice, the local commission may endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion.
- (b) The terms of a conciliation agreement reached with a respondent may require him or her to refrain from engaging in unlawful discriminatory practices in the future and make any further provisions as may be agreed upon between the local commission or its staff and the respondent.
- (c) If a conciliation agreement is entered into, the local commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent.

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- (d) Except for the terms of the conciliation agreement, neither the local commission nor any of its officers or employees shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion, whether or not the complaint results in a determination of probable cause or a conciliation agreement.
- (5) At the expiration of one (1) year from the date of a conciliation agreement, and at other times in its reasonable discretion, the local commission staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the local commission shall take whatever action it deems appropriate to assure compliance.
- (6) (a) 1. Not later than one hundred eighty (180) days after its receipt of the complaint, the local commission may file an action in Circuit Court seeking appropriate relief against the respondent on behalf of a private party who has not previously filed a civil cause of action for the same grievance.
2. The local commission may request appropriate relief for the aggrieved private party on whose behalf the action was filed, not to exceed the remedies in KRS 344.450.
3. A jury shall decide all matters triable by jury at common law, including without limitation questions of fact, questions of liability, and monetary damages.
4. An action filed under this paragraph shall be subject to the statute of limitations in KRS 413.115.
- (b) A local commission's filing of an action under paragraph (a) of this subsection

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- shall prevent the aggrieved private party from filing a civil cause of action pursuant to KRS 344.450 arising from the same facts or circumstances. The aggrieved private party may, however, intervene in the action filed by the local commission.
- (c) The court shall dismiss a civil action filed by a local commission if the aggrieved private party previously filed an action arising from the same set of facts or circumstances pursuant to KRS 344.450. The local commission may intervene in the previously filed action if the plaintiff consents in writing to the intervention.
- (7) Notwithstanding KRS 413.115, subsection (6) of this section, or any other law to the contrary, a private party:
- (a) Who claims to be aggrieved by a practice that is made unlawful by a city or county under KRS 344.300;
- (b) Who timely filed his or her complaint with the local commission prior to the effective date of this Act; and
- (c) Whose written complaint remained pending before the local commission on the effective date of this Act;
- may file a civil cause of action in Circuit Court pursuant to KRS 344.450 not later than one (1) year after the effective date of this Act. The filing of the action shall be deemed timely and shall not be barred by a statute of limitations that would otherwise apply.";
- and

Renumber subsequent sections accordingly; and

On page 25, delete line 25 in its entirety.