

304.12-130 Curtailment of undefined practices.

- (1) If the commissioner believes that any person engaged in the insurance business is engaging in this state in any method of competition or in any act or practice in the conduct of such business which is not defined in this subtitle but that such method of competition is unfair, deceptive, or not in the public interest, or that such act or practice is unfair or deceptive and that a proceeding by the commissioner in respect thereto would be in the public interest, the commissioner shall, after a hearing of which notice of the hearing and of the charges against the person are given such person, make a written report of his or her findings of fact relative to such charges and serve a copy thereof upon such person and any intervenor at the hearing.
- (2) If such report charges a violation of this subtitle and if such method of competition, act or practice has not been discontinued, the commissioner may, or through the Attorney General, at any time after the service of such report, cause an action to be instituted to enjoin and restrain such person from engaging in such method, act, or practice. In such action the court may grant a restraining order or injunction upon such terms as may be just; but the people of this Commonwealth shall not be required to give security before the issuance of any such order or injunction. If a stenographic record of the proceedings in the hearing before the commissioner was made, a certified transcript thereof including all evidence taken and the report and findings shall be received in evidence in such action.
- (3) If the commissioner's report made pursuant to subsection (1) of this section or order on hearing made pursuant to KRS 304.12-120 does not charge a violation of this subtitle, then any intervenor in the proceedings may appeal therefrom within the time and in the manner provided in this code for appeals from the commissioner generally.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1110, effective July 15, 2010. -- Created 1970 Ky. Acts ch. 301, subtit. 12, sec. 13, effective June 18, 1970.