

380.010 Definitions for chapter.

As used in this chapter, the following terms mean:

- (1) "Person" includes, but is not limited to, individuals, partnerships, associations, corporations, limited liability companies, trusts, and other legal entities;
- (2) "Debt adjuster" means a person engaged in the business of debt adjusting;
- (3) "Debt adjusting" means doing business in this state in debt adjusting, budget counseling, debt management, debt modification or settlement, foreclosure assistance, or debt pooling service, or holding oneself out as acting or offering or attempting to act as an intermediary between a debtor and his or her creditors for a fee, contribution, or other consideration, or by words of similar import, as providing services to debtors in the management, settlement, modification, or adjustment of their debts, to do any of the following:
 - (a) Effect the adjustment, compromise, settlement, modification, or discharge of any account, note or other indebtedness of the debtor;
 - (b) Receive from the debtor and disburse to the debtor's creditors any money or other thing of value; or
 - (c) Solicit business and advertise as a debt adjuster;
- (4) "Reside" means to live in a particular place on a temporary or permanent basis;
- (5) "Debtor" means an individual who resides in Kentucky and is indebted to a creditor or creditors, including two (2) or more individuals who are jointly and severally, or jointly or severally, indebted to a creditor or creditors;
- (6)
 - (a) "Personal information" means any information:
 1. That a debtor provides to a debt adjuster to obtain a debt-adjusting product or service from the debt adjuster;
 2. About a debtor resulting from any transaction involving debt adjusting between a debtor and the debt adjuster; or
 3. That a debt adjuster otherwise obtains about a debtor in connection with providing a debt-adjusting product or service to that debtor.
 - (b) "Personal information" does not include information that a debt adjuster has a reasonable basis to believe is lawfully made available to the general public from:
 1. Federal, state, or local government records;
 2. Widely distributed media; or
 3. Disclosures to the general public that are required to be made by federal, state, or local law.

For purposes of this paragraph, "reasonable basis" to believe that information is lawfully made available to the general public means the debt adjuster has taken steps to determine that the information is the type that is available to the general public and whether an individual may direct that the information not be made available to the general public and, if so, that the debt adjuster's consumer has not done so; and
- (7) "Additional interested party" means a party, including but not limited to the

Attorney General, to whom written notice shall be sent at the same time that a notice is required to be sent to an insured regarding any cancellation, nonrenewal, modification, or change in the insurance coverage required by KRS 380.040(7).

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History: Amended 2010 Ky. Acts ch. 86, sec. 1, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 38, sec. 1, effective June 20, 2005. -- Created 1970 Ky. Acts ch. 190, sec. 2.