

150.195 Design, issuance, and distribution of licenses and permits -- Administrative regulations.

- (1) The department shall by administrative regulation provide for the control of the design, issuance, distribution, and other matters relating to all licenses and permits issued by the department.
- (2) The department shall name each county clerk not granted an exemption from selling licenses or permits by the commissioner as an agent for the sale of licenses and permits or other items. The county clerk shall not appoint any other person or organization, other than a paid deputy clerk, to sell licenses and permits. A county clerk may, at any time during his term of office, apply in writing to the commissioner for an exemption from the requirement that he sell licenses and permits or other items for the department. The commissioner shall then grant the exemption until the clerk requests otherwise in writing.
- (3) The department shall sell its own licenses or permits and may name any other person or organization meeting the requirements specified by statute and by the department by administrative regulation as an agent for the sale of specified licenses and permits or other items for the department.
- (4) The department shall, by administrative regulation, determine:
 - (a) The number and distribution of agents in a county;
 - (b) Which licenses and permits or other items shall be sold by the department and agents of the department;
 - (c) The requirements for persons or organizations, other than county clerks, to sell licenses and permits or other items issued by the department;
 - (d) The fees allowed to be retained by agents of the department;
 - (e) Matters relating to the remittance of license and permit fees and proceeds of the sale of other items, procedures for accountability for licenses and permits, and accountability for license and permit fees and proceeds of the sales of other items;
 - (f) The license and permit term, and the date of expiration of licenses and permits; and
 - (g) The manner in which the licenses, permits, and other items issued by the department are designed, issued, and sold, and details relating to the application for and sale of licenses, permits, and other items, the reporting of license, permit, and other sales, and other matters deemed necessary by the department for the proper administration and operation of a program relating to the design, issuance, and sale of licenses, permits, and other items issued by the department.
- (5) No person shall make a false statement or provide any false information when applying for a license or permit.
- (6) Unless permitted to do so by administrative regulation, no person shall alter or modify a license or permit in any manner.
- (7) No employee of the department, no agent designated by the department, or no

employee of an agent designated by the commissioner shall knowingly make a false entry upon a license or permit, license or permit record, or an application or report required by this chapter or by an administrative regulation issued thereunder.

- (8) The department and each agent designated by the commissioner shall keep a correct and complete record of all licenses and permits applied for or issued, and all other records required to be kept by statute or by the department by administrative regulation. License and permit records shall be public records and shall be open to public inspection in the manner provided by KRS 61.870 to 61.884.
- (9) No fee for the issuance of a license or permit issued by or on behalf of the department shall be charged or collected by the department or agent of the department other than the amount specified by administrative regulation. Tie-in sales required to obtain a license or permit are prohibited.
- (10) The department shall by administrative regulation develop a procedure for suspending or revoking the agent status of a person or organization violating any provision of this chapter, or the administrative regulations promulgated thereunder, relating to the sale, reporting of, or financial accountability for the sale of licenses or permits which the agent is authorized to sell on behalf of the department.
 - (a) The initial determination to suspend or revoke an agent's status shall be made by the commissioner, or by his designee; and the agent shall be informed of the decision in writing.
 - (b) A decision of the commissioner or his designee may be appealed to the commission in writing and received by the department within ten (10) days of receipt of the commissioner's notice. Hearings of appeals shall be conducted in accordance with KRS Chapter 13B.
 - (c) Appeals from a final order of the commission shall be to the Franklin Circuit Court in accordance with KRS Chapter 13B.
- (11) Penalties which the commissioner, his designee in writing, or the commission may assess are:
 - (a) A suspension of the agent's status for not less than one (1) nor more than five (5) years; or
 - (b) Revocation of the agent's status permanently, if a natural person, or for not less than ten (10) years to permanently, if an organization.
- (12) Suspension periods shall not be waived, probated, or delayed by the commissioner, his designee in writing, or the commission. The commission or the Franklin Circuit Court, as appropriate, may reduce a suspension period ordered by the commissioner or his designee in writing, but to not less than one (1) year, and may reduce a revocation to a suspension.
- (13) The department may experiment with computerized, electronic, or other improved forms of license and permit sales by the department and its agents. Experiments may be conducted on a regional or other basis. The commission shall implement any improved method of license and permit sales finally selected, on a statewide basis by administrative regulation.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 83, sec. 2, effective July 15, 1996; and ch. 318, sec. 40, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 239, sec. 1, effective July 15, 1994.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 83 and 318 which are in conflict. Under KRS 446.250, Acts ch. 318, which was last enacted by the General Assembly, prevails.