

**138.205 Prohibited acts by licensees and manufacturers -- Acting without license.**

- (1) Any licensee under KRS 138.195 who violates any provision of KRS 138.130 to 138.205, or any administrative regulation promulgated under them, shall become indebted to the Commonwealth in the sum of five hundred dollars (\$500) for each violation. The civil penalty may be collected by action in the Franklin Circuit Court.
- (2) Any manufacturer who fails to keep written records, and submit reports to the department, as required by the provisions of subsection (10) of KRS 138.195, shall become indebted to the Commonwealth in the sum of one thousand dollars (\$1,000) for each violation. The penalty may be enforced by action of the Franklin Circuit Court.
- (3) Any manufacturer doing business within this state without having complied with the provisions of KRS Chapter 271B as to designation of process agent shall, by so doing of business, be deemed to have made the Secretary of State its agent for the service of process in any civil action instituted in the Franklin Circuit Court for the recovery of the penalty. In any action, the complaint shall set forth the post office address of the home office of the manufacturer.
- (4) Any nonresident person licensed under the provisions of KRS 138.195 shall, at the time of application for license, designate some resident of this state as a process agent for the purpose of service of civil process in any civil action originating in any court of this Commonwealth, and service upon the person so designated shall be sufficient to bring the nonresident person before any court of this Commonwealth for all purposes.
- (5) Any person acting in the capacity of a licensee under the provisions of KRS 138.130 to 138.205 without having secured a license as provided in KRS 138.195 shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180 and interest at the tax interest rate as defined in KRS 131.010(6) from the date due until the date of payment.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 85, sec. 351, effective June 20, 2005. -- Amended 1994 Ky. Acts ch. 65, sec. 8, effective July 15, 1994. -- Amended 1972 Ky. Acts ch. 274, sec. 146. -- Created 1962 Ky. Acts ch. 92, sec. 7, subsecs. 7 to 10, 12.