

330.040 Exceptions to KRS 330.030.

- (1) KRS 330.030 shall not apply to:
 - (a) An auction conducted by or under the direction of any public authority or pursuant to any judicial order or decree, or to any sale required by law to be at auction;
 - (b) An auction of any real or personal property conducted exclusively by an individual who personally owns such real or personal property and who did not acquire such real or personal property for resale. This paragraph is applicable only to individuals. It does not apply to any other "person" as defined in KRS 330.020, nor does it apply to any officer, director, or employee thereof when engaged in any duties associated with those capacities.
 - (c) Any person who calls bids at the sale of livestock owned and offered at auction by 4-H Clubs or FFA Clubs or club members, or by any university operated by the Commonwealth of Kentucky;
 - (d) An auction conducted by or on behalf of any political party, church, or charitable organization, corporation, or association if:
 1. The individual conducting the sale receives no compensation and does not, by advertising or otherwise, present himself or herself as a licensed auctioneer;
 2. All real or personal property is donated and not consigned; and
 3. One hundred percent (100%) of the net proceeds of the auction are donated to the political party, church, or charitable organization, corporation, or association; or
 - (e) A student who:
 1. Is calling bids for a maximum of twenty (20) items or lots of personal property during a twenty-four (24) hour period at an auction;
 2. Is under the direct supervision of a person who is both the student's instructor from a board-approved auction education provider and a licensed auctioneer; and
 3. Receives no compensation and does not, by advertising or otherwise, present himself or herself as being a licensed auctioneer.

The student and the supervising auctioneer instructor may both be liable for the student's auction-related activities.
- (2) Notwithstanding the provisions of this section, a licensee shall not be exempt from any provisions of this chapter in connection with or by reason of his participation in any sale excepted under this section.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 70, sec. 4, effective June 25, 2009. -- Amended 1984 Ky. Acts ch. 407, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 79, sec. 1, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 80, sec. 2, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 112, sec. 1. -- Created 1962 Ky. Acts ch. 251, sec. 4.