

380.990 Penalties.

- (1) In any action brought alleging a violation of this chapter, if the court finds that a person is willfully using or has willfully used a method, act, or practice declared unlawful by this chapter, the Attorney General, upon petition to the court, may recover, on behalf of the Commonwealth, a civil penalty of not more than five thousand dollars (\$5,000) per violation.
- (2) Any person who violates the provisions of KRS 380.040 in the state is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of five hundred dollars (\$500) or imprisonment not to exceed sixty (60) days, or both such fine and imprisonment.
- (3) A violation of this chapter shall be deemed an unfair, false, misleading, or deceptive practice in the conduct of trade or commerce in violation of KRS 367.170. All of the remedies, powers, and duties provided by KRS 367.190 to 367.300 and the penalties pertaining to acts and practices declared unlawful under KRS 367.170 shall apply with equal force and effect to acts and practices in violation of this chapter, except as provided in subsection (1) of this section.
- (4) In addition to subsection (1) of this section:
 - (a) A court may make such additional orders or judgments as may be necessary to restore to any person in interest any moneys or property, real or personal, which may have been paid out as a result of any practice in violation of this chapter;
 - (b) A court shall have jurisdiction in an action brought in the name of the Commonwealth by the Attorney General or the county attorney, to enjoin, as an unfair or deceptive trade practice pursuant to KRS 367.170, the continuation of any debt-adjusting business or the offering of any debt-adjusting services as defined in KRS 380.010;
 - (c) A court may appoint a receiver who shall have all the powers and authority pursuant to KRS 367.210 for the property and money employed in the transaction of business by a debt adjuster to ensure the return to debtors of their money and property received by the debt adjuster which has not been paid to the creditors of the debtors; and
 - (d) In any action brought by the Attorney General or a Commonwealth or county attorney under this chapter, in which the Commonwealth has substantially prevailed, the court shall award, in addition to the relief provide elsewhere in this chapter, reasonable attorney's fees, investigative costs, and litigation costs including expert witness fees and expenses.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 86, sec. 4, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 38, sec. 5, effective June 20, 2005. -- Created 1970 Ky. Acts ch. 190, sec. 3.