

64.460 Illegal fee-bill may be examined by Circuit Judge -- Proceedings.

- (1) Any person who pays any fee-bill or claim for fees which he believes contains an erroneous, improper or illegal item, or charge for services not actually rendered, or does not comport with the law in every respect, may hand the fee-bill to the Circuit Judge of the county in which he resides, and if there is any item in the fee-bill not authorized by law or if it does not comport with the law in every respect, the Circuit Judge shall quash the fee-bill, and order the officer to repay the amount of the fee-bill to the person who paid it, and pay the costs of the proceeding.
- (2) The judge shall enter a fine against the officer who issued the fee-bill, in favor of the person aggrieved, of not less than one dollar (\$1.00) nor more than four dollars (\$4.00) for each illegal item contained therein. The production of the fee-bill by the party charged shall be prima facie evidence of its payment.
- (3) If the judge is of the opinion that there is no improper charge or illegal item in the fee-bill, he shall restore it to the person placing it in his hands, without costs or expense.
- (4) A fieri facias, indorsed that no surety is to be taken, may issue in behalf of the person aggrieved for all the sums and costs adjudged under this section.
- (5) Before any judgment is entered under the provisions of this section, the defendant in the proceeding must be given at least two (2) days' notice thereof by rule or otherwise.

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 36. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1758.