

251.990 Penalties.

- (1) Any person who violates the provisions of KRS 251.430 to 251.720 shall be guilty of a violation. He shall be guilty of a Class A misdemeanor for each subsequent offense. Each day of operation in violation of the provisions of KRS 251.430 to 251.720 shall constitute a separate offense.
- (2) Any person who operates without a license as required by KRS 251.430 or 251.720 shall be fined not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) for each violation, or imprisoned for at least one (1) but not more than five (5) years, or both.
- (3) Any person who intentionally refuses or fails to pay moneys collected for assessment of grain under the Kentucky Grain Insurance Fund Program as set forth in KRS 251.640 shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisoned for not more than six (6) months, or both.
- (4) Any person who fails or refuses to maintain at all times grain in storage, rights in grain, proceeds from the sale of grain, or a combination of the grain, rights, and proceeds equal to eighty percent (80%) of the value of a licensed grain storage establishment's unpaid obligations to producers for grain delivered under a forward pricing (delayed pricing) contract as required by KRS 251.485 or 251.675 shall be fined not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) for each violation, or imprisoned for at least one (1) year but not more than five (5) years, or both.
- (5) Any person who knowingly makes any false statement, representation, or certification, or who knowingly fails to make any statement, representation, or certification in any record, report, or other document filed or required to be maintained by the Commissioner in violation of KRS 251.485(2) shall upon conviction be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation, or imprisoned for at least one (1) year but not more than five (5) years, or both.
- (6) Any person who transfers or disburses grain, property, or assets from the licensed grain establishment's handler account in violation of KRS 251.485(2) shall upon conviction be fined not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) for each violation, or be imprisoned for at least one (1) year but not more than five (5) years, or both.
- (7) Except as permitted by law, any person who willfully and knowingly resists, prevents, impedes, or interferes with the Commissioner or other agents or employees of the department in performance of the duties assigned by KRS 251.485 or 251.675, shall upon conviction be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation, or imprisoned for not more than one (1) year, or both.
- (8) If a corporate grain establishment license holder violates any provision of KRS 251.485 or 251.675 or any administrative regulations that pertain to KRS 251.485 or 251.675, or if it fails or refuses to comply with any lawful order issued by the Commissioner, any director, officer, or agent of the corporation who willfully and knowingly authorized, ordered, or carried out the violation, failed, or refused to comply with any lawful order issued by the Commissioner shall be subject to the same penalties, fines, and imprisonment as may be

imposed upon a person in accordance with this section.

- (9) Any person who fails to renew a license within the time frame required by KRS 251.430 or 251.720 shall be fined one hundred fifty dollars (\$150).
- (10) All fines or penalties collected from violators of the provisions of this chapter shall be used to carry out the provisions of this chapter.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 61, sec. 8, effective June 25, 2009. -- Amended 2005 Ky. Acts ch. 125, sec. 9, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 240, sec. 2, effective July 15, 2002. -- Amended 1992 Ky. Acts ch. 76, sec. 3, effective July 14, 1992; and ch. 463, sec. 33, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 396, sec. 10, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 389, sec. 21, effective July 13, 1984. -- Amended 1970 Ky. Acts ch. 252, sec. 12. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 30c-24, 30c-25, 30c-26, 30c-31, 30c-32.