

**251.440 Application for license -- Grounds for refusal to issue or to revoke license -
- Notice and hearing.**

- (1) Application for license shall set forth the name of the applicant, its principal officer, if a corporation, or the active members of a partnership if a partnership, and the location or locations of the principal office or place of business and the locations in this state at which applicant proposes to engage in this business. Application shall be accompanied by a bond as set forth in KRS 251.451. The bond shall run to the State of Kentucky and be for the benefit of all persons storing grain in the warehouse. It shall be conditioned upon the warehouseman carrying combustion, fire, lightning, and tornado insurance sufficient to cover loss upon all stored grain in the warehouse, and the delivery of all stored grain or payment of the value of the grain upon the surrender of the warehouse receipt or scale ticket, and upon the faithful performance by the warehouseman of all provisions of law relating to the storage and handling of grain by the warehouseman and the administrative regulations promulgated by the Kentucky Department of Agriculture relative to the storage and handling of grain.
- (2) The department may refuse to issue a license to any applicant or revoke the existing license of one who furnishes false or misleading information or conceals a material fact on the application or other supporting documents, has been convicted of fraud or deceptive practice, is currently adjudicated incompetent by a court of competent jurisdiction, fails to maintain an asset to liability ratio of one to one (1:1) or fails to post additional surety to cover the deficiency, or for other good cause shown. Any individual denied a license for these reasons shall be given written notice within thirty (30) working days of receipt of application. Any applicant who is denied a license or has had his license revoked and feels aggrieved, may request a hearing by writing to the Commissioner of Agriculture. Upon request, a hearing shall be conducted in accordance with KRS Chapter 13B.
- (3) All applications for warehouseman license shall be accompanied by a current financial statement or an irrevocable letter of credit from a financial institution.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 125, sec. 3, effective June 20, 2005. -- Amended 1996 Ky. Acts ch. 318, sec. 176, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 396, sec. 1, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 389, sec. 17, effective July 13, 1984. -- Amended 1972 Ky. Acts ch. 347, sec. 3. -- Created 1970 Ky. Acts ch. 252, sec. 4.