

**367.46999 Penalties for violation -- Concurrent enforcement powers of Attorney General.**

- (1) Any person, including, but not limited to, a merchant, a telemarketer, a salesperson, agent or representative of the merchant, or an independent contractor, who knowingly violates any provision of KRS 367.46951 to 367.46999 or engages in any act, practice, or course of business which operates or would operate as fraud or deceit upon any person in connection with a sale shall be guilty of a Class D felony, except that any person who violates KRS 367.46955(7) to (16) shall be guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for any subsequent offense.
- (2) Notwithstanding any other provision of law, in addition to the penalties provided in this section, any person found guilty of violating KRS 367.46955(9) shall:
  - (a) Be fined no less than five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for any subsequent offense; and
  - (b) Pay restitution of any financial benefit secured through conduct proscribed by KRS 367.46955(9).
- (3) The Office of the Attorney General shall have concurrent enforcement powers as to such felonies and misdemeanors.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 145, sec. 2, effective July 14, 2018. -- Amended 1998 Ky. Acts ch. 581, sec. 4, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 302, sec. 14, effective July 15, 1994; and ch. 463, sec. 14, effective July 15, 1994.

**Legislative Research Commission Note (7/15/94).** This statute was created by 1994 Ky. Acts chs. 302 and 463, which are substantively identical and have been codified together. Minor variations have been resolved by giving precedence to Acts ch. 463 which was enacted last.