

**367.667 Prohibited acts and practices in charitable solicitations.**

- (1) The following acts and practices in the conduct of charitable solicitation shall be considered unfair, false, misleading, or deceptive in violation of KRS 367.170:
  - (a) Representing or leading anyone in any manner to believe that a solicitation is for or on behalf of a charitable organization; or utilizing any emblem, device, or printed matter belonging to or associated with a charitable organization; or otherwise representing that any part of the contributions received will be donated to a charitable organization without first being authorized in writing to do so by the charitable organization;
  - (b) Utilizing a name, symbol, or statement so closely related or similar to that used by another charitable organization, public official, or public agency that its use would tend to confuse or mislead a solicited person;
  - (c)
    1. Causing misleading caller identification information to be transmitted to users of caller identification services, or to otherwise misrepresent the origin of the charitable telephone solicitation.
    2. This paragraph shall not apply to solicitations which block caller identification, nor shall it apply to solicitations in which the name and telephone number of the party on whose behalf the call is made is substituted for the name and telephone number of actual caller;
    3. This paragraph shall not apply to a telecommunications, broadband, or Voice over Internet Protocol service provider that is:
      - a. Acting in the telecommunications, broadband, or Voice over Internet Protocol service provider's capacity as an intermediary for the transmission of telephone service between the caller and the recipient;
      - b. Providing or configuring a service or service feature as requested by the customer;
      - c. Acting in a manner that is authorized or required by applicable law; or
      - d. Engaging in other conduct that is necessary to provide service; or
  - (d) Representing when soliciting funds that a charity will be the recipient of the funds when the professional solicitor or his employer pursuant to a contract is allowed to or will receive more than fifty percent (50%) of the gross receipts of the funds solicited as his compensation. It shall be a defense in any action brought to enforce this subsection for the professional solicitor to show that he disclosed in a clear and conspicuous manner to the prospective donor the percentage of the funds which he was allowed by contract to receive.
- (2) (a) Notwithstanding other criminal and administrative remedies, a person or class of persons alleging:
  1. Receipt of a call in violation of subsection (1)(c) of this section; or
  2. That a number assigned to the person was misleadingly transmitted as a caller identification number by a solicitor;

may bring a civil action in the county where the plaintiff resides or has his or her principal place of business, against any person who is responsible for or who knowingly participated in the violation.

- (b) The civil action brought under paragraph (a) of this subsection may be for:
1. Appropriate injunctive relief;
  2. Actual damages;
  3. Actual expenses incurred, including court costs and attorney's fees; and
  4. Punitive damages.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 105, sec. 3, effective June 27, 2019. -- Amended 1994 Ky. Acts ch. 151, sec. 6, effective July 15, 1994. â€œ Created 1992 Ky. Acts ch. 457, sec. 1, effective July 14, 1992.