

### **251.990 Penalties for chapter.**

- (1) Except as provided otherwise in this section, any person who violates a provision of this chapter shall be guilty of a violation for the first offense and fined not more than five hundred dollars (\$500). He or she shall be guilty of a Class A misdemeanor and shall be fined not more than one thousand dollars (\$1,000) or imprisoned for up to six (6) months, or both, for each subsequent offense. Each day of operation in violation of the provisions of this chapter shall constitute a separate offense.
- (2) Any person who operates as a grain warehouse operator or a grain dealer without a license shall be fined not more than ten thousand dollars (\$10,000) for each violation, not to exceed a total of five hundred thousand dollars (\$500,000), 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 as set forth in KRS 251.640 shall be subject to a fine of not more than five hundred dollars (\$500), or imprisoned for not more than six (6) months, or both.
- (4) Any person who fails to comply with the requirement in KRS 251.375 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 contract shall be fined not more than ten thousand dollars (\$10,000) for each violation, not to exceed a total of five hundred thousand dollars (\$500,000), 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 shall be fined not more than one thousand dollars (\$1,000) for each violation, not to exceed a total of five hundred thousand dollars (\$500,000), 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 in violation of a provision of this chapter shall be fined not more than ten thousand dollars (\$10,000) for each violation, not to exceed a total of five hundred thousand dollars (\$500,000), 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 a representative of the board or the department in performance of the duties assigned by a provision of this chapter, shall upon conviction be fined not more than five thousand dollars (\$5,000) for each violation, or imprisoned for not more than one (1) year, or both.
- (8) If a business entity violates any provision of this chapter, or if it fails or refuses to comply with any lawful order issued by a representative of the board or the department, then any director, officer, or agent of the business entity who willfully

and knowingly authorized, ordered, or carried out the violation, failed, or refused to comply with the lawful order 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 251.355 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:** August 1, 2019

**History:** Amended 2019 Ky. Acts ch. 88, sec. 25, effective August 1, 2019. -- Amended 2016 Ky. Acts ch. 36, sec. 4, effective July 15, 2016. -- 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.