

353.710 Suit to enjoin violation -- By department, person adversely affected, Attorney General.

- (1) Whenever it appears that any person is violating or threatening to violate any provision of KRS 353.500 to 353.720, or any rule, regulation or order promulgated or issued under KRS 353.500 to 353.720, the department may bring suit against the person in the Franklin Circuit Court, or the Circuit Court of the county where the violation occurred or is threatened, or in the county in which the defendant resides or in which any defendant resides if there is more than one (1) defendant, to restrain the person from continuing the violation or from carrying out the threatened violation. In such a suit the court shall have jurisdiction to grant without bond or other undertaking the prohibitory or mandatory injunction as the facts may warrant, including a temporary restraining order or injunction.
- (2) If the department shall fail to bring suit to enjoin a violation or threatened violation of any provisions of KRS 353.500 to 353.720, or any rule, regulation, or order promulgated or issued under KRS 353.500 to 353.720 within ten (10) days after receipt of a written request to do so by any person who is or will be adversely affected by the violation, the person making the request may bring suit in his own behalf to restrain the violation or threatened violation in any court in which the department might have brought suit. The department shall be made a party defendant in the suit in addition to the person allegedly violating or threatening to violate a provision of KRS 353.500 to 353.720, or any rule, regulation or order promulgated or issued under KRS 353.500 to 353.720.
- (3) Whenever it appears that any person is violating any provision of KRS 353.500 to 353.720, or any rule, regulation or order promulgated or issued hereunder, the Attorney General or any person who is adversely affected by the violation may bring suit to restrain the violation in any court in which the department might have brought suit. The department shall be made a party defendant in the suit in addition to the person allegedly violating a provision of or any rule, regulation or order promulgated or issued under KRS 353.500 to 353.720.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 21, sec. 8, effective June 27, 2019. -- Created 1960 Ky. Acts ch. 103, sec. 23, effective June 16, 1960.