

### **207.230 Citizen suits.**

Notwithstanding the provisions of KRS 207.200 and 207.210, citizen suits may be commenced under the following terms and conditions:

- (1) Any person deeming himself injured by any act in violation of the provisions of this chapter shall have a civil cause of action in Circuit Court to enjoin further violations, and to recover the actual damages sustained by him, and upon judicial finding of any violation of KRS 207.150 to 207.190, shall recover the costs of the law suit, including a reasonable fee for his attorney of record, all of which shall be in addition to any other remedies contained in KRS 207.130 to 207.240.
- (2) Notice. No action may be commenced:
  - (a) Prior to thirty (30) days after the plaintiff has given notice of the violation to the commissioner of workplace standards.
  - (b) If the commissioner of workplace standards has commenced and is diligently prosecuting a civil action to require compliance with KRS 207.130 to 207.240; however, the aforementioned conditions do not prohibit citizen-initiated civil enforcement action contemporaneously with criminal enforcement efforts by the state.
  - (c) In any civil action under this section, the commissioner of workplace standards, under the direction of the secretary of the Labor Cabinet, if not a party, may intervene only with consent of the person bringing the action. If the administrator is allowed to intervene, he may not alter the cause of action, delay the proceedings, or make any decisions, settlement agreements, or agree to any consent orders or enforcement proceeding without the informed consent of the person initiating the citizens enforcement action.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 307, effective July 15, 2010. -- Amended 1984 Ky. Acts ch. 414, sec. 7, effective July 13, 1984. -- Created 1976 Ky. Acts ch. 280, sec. 12.