

13A.140 Administrative regulations presumed valid -- Promulgating administrative body to bear burden of proof in court challenge.

- (1) Administrative regulations are presumed to be valid until declared otherwise by a court, but when an administrative regulation is challenged in the courts it shall be the duty of the promulgating administrative body to show and bear the burden of proof to show:
 - (a) That the administrative body possessed the authority to promulgate the administrative regulation;
 - (b) That the administrative regulation is consistent with any statute authorizing or controlling its issuance;
 - (c) That the administrative regulation is not in excess of statutory authority;
 - (d) That the administrative regulation is not beyond the scope of legislative intent or statutory authority;
 - (e) That the administrative regulation is not violative of any other applicable statute; and
 - (f) That the laws and administrative regulations relating to promulgation of administrative regulations were faithfully followed.
- (2) It shall be prima facie evidence of compliance with the provisions of this section as to the holding of hearings, statements of consideration, consideration of tiering, local government impact, and fiscal impact to file with the court appropriate citations to the Administrative Register which indicate such compliance.

Effective: April 13, 1984

History: Created 1984 Ky. Acts ch. 417, sec. 14, effective April 13, 1984.