

**138.320 Procurement of dealer's or transporter's license -- Grounds for refusal -- Nonassignability -- Records -- Suspension or revocation.**

- (1) To procure the license required by KRS 138.310, every dealer or transporter so required shall file with the Department of Revenue an application in such form and containing such information as the department may deem necessary.
- (2) If the dealer or transporter is a corporation organized under the laws of another state, it shall file with its application a certified copy of the certificate or license issued by the Secretary of State of this state showing that the corporation is authorized to transact business in this state.
- (3) At the time of filing application for a license, a financial instrument as defined in KRS 138.210(15) and in the amount provided for in KRS 138.330 shall be filed with the department. No license shall be issued upon any application unless accompanied by this financial instrument.
- (4) If application for such a license is filed by any person whose license has at any time previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license or registration has previously been canceled for cause by the department, the department may, after a hearing of which the applicant has been given five (5) days' notice in writing, and in which the applicant shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.
- (5) The application in proper form having been accepted for filing, and the financial instrument having been accepted and approved, the department shall issue to the applicant a license, subject to cancellation as provided by KRS 138.340. The license shall not be assignable, and shall be valid only for the person in whose name it is issued, and shall be displayed conspicuously in the principal place of business of the dealer in this state.
- (6) The department shall keep and file all applications and financial instruments, with an alphabetical index thereof, together with a record of all licensed dealers or transporters. The department shall publish and keep currently up to date a list of licensed dealers and transporters, and transmit a copy of list and all revisions thereof to all licensed dealers and transporters.
- (7) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise canceled.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 85, sec. 365, effective June 20, 2005; and ch. 134, sec. 5, effective June 20, 2005. -- Amended 1988 Ky. Acts ch. 285, sec. 12, effective August 1, 1988. -- Amended 1986 Ky. Acts ch. 496, sec. 15, effective August 1, 1986. -- Amended 1952 Ky. Acts ch. 193, sec. 5, effective June 19, 1952. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4281g-17.

**Legislative Research Commission Note** (6/20/2005). This section was amended by 2005 Ky. Acts chs. 85 and 134, which do not appear to be in conflict and have been codified together.