

### **286.5-991 Penalties.**

- (1) Any person who violates any provision of subsection (2) of KRS 286.5-041 shall be fined not more than five thousand dollars (\$5,000), and each day of violation constitutes a separate offense.
- (2) Any person guilty of conduct for which civil liability is provided for by subsection (1) of KRS 286.5-231 shall be punished in the manner prescribed for stealing property of the same value as the property so used, disposed of, assigned, transferred or canceled.
- (3) Every association, officer, agent or manager that fails to make the report required by KRS 286.5-131, and to furnish any information called for by the commissioner under oath and attestation of its officers shall be severally fined not less than one hundred dollars (\$100).
- (4) The president and secretary of any association that fails to make and file any report required by this subtitle within thirty (30) days after it is due, shall be fined not more than one hundred dollars (\$100).
- (5) Any examiner who violates subsection (3) of KRS 286.5-710 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (6) Any examiner in the office who knows of the insolvency or unsafe condition of any association, or knows that it is inexpedient to permit an association to continue business, and who neglects to immediately present a signed report of that fact to the commissioner, or who illegally discloses any information obtained by him or her by virtue of his or her office, or who violates any of the provisions of this subtitle or fails to perform any duty imposed upon him by this subtitle except as provided in subsection (5), shall be fined not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) for each offense.
- (7) Any commissioner who knows of the insolvency or unsafe condition of any association or knows that it is inexpedient to permit an association to continue business, and who willfully fails to take the action provided in this subtitle, or who illegally discloses any information obtained by him or her by virtue of his or her office, or violates any of the provisions of this subtitle, or fails to perform any duty imposed upon him or her by this subtitle, shall forfeit the office and be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) for each offense.
- (8) Except as provided in subsection (3), any association which knowingly fails to make any report required by law or by the commissioner within the specified time, or to include any matter required, or to pay the fees for filing reports or for examinations when due, shall be fined twenty-five dollars (\$25) for each day of delinquency. The aggregate penalty for each offense shall not exceed two hundred and fifty dollars (\$250).
- (9) Every person or association that willfully makes or transmits a false report, or refuses to submit its books, papers or assets for examination, or any officer of an association who refuses to be examined under oath concerning the affairs of the

association, shall severally be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

- (10) Whenever any penalty imposed by this section is not paid, the Attorney General shall institute an action, in the name of the state, in the Franklin Circuit Court or the Circuit Court of the county in which the offense was committed, for the recovery of the penalty.
- (11) Any association that violates KRS 286.5-805 by not carrying the required statement, or by carrying a statement that an application for insurance is pending when in fact it is not, shall be fined five hundred dollars (\$500) for each offense.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 713, effective July 15, 2010. -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 5(2). -- Amended 1966 Ky. Acts ch. 255, sec. 234, effective June 16, 1966. -- Created 1964 Ky. Acts ch. 138, sec. 65, effective June 18, 1964.

**Formerly codified as** KRS 289.991.

**Legislative Research Commission Note (7/12/2006).** In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.