

304.2-340 Witnesses and evidence.

- (1) The commissioner or an authorized designee conducting a hearing, examination, or investigation by his or her authority shall have power to subpoena witnesses, compel their attendance, administer oaths, examine any person under oath relative to the subject of the hearing, examination, or investigation, and to compel any person to subscribe to his or her testimony after it has been correctly reduced to writing, and, in connection therewith, to require the production of any books, papers, records, correspondence, or other documents which the commissioner deems relevant to the inquiry.
- (2) A subpoena issued pursuant to this section shall have the same force and effect as if issued from a court of record.
- (3) A subpoena issued pursuant to this section shall be served in the same manner as if issued from a court of record, except a subpoena may be served upon any person holding a license or a certificate of authority from the commissioner or upon the employee of the person or entity in the same manner as other orders and notices are served, as provided in KRS 304.2-120.
- (4) If any individual or licensee refuses to comply with a subpoena or to testify as to any matter concerning which the individual or licensee may be lawfully interrogated:
 - (a) The Circuit Court of the county wherein the examination, investigation, or hearing is being conducted or of the county wherein the individual or licensee resides, on the commissioner's application may, after summary hearing, issue an order requiring the individual or licensee to comply with the subpoena and to testify; and failure to obey an order may be punished by the court as a contempt thereof; and
 - (b) The commissioner may suspend or revoke the certificate of authority or license of any licensee or impose an administrative fine, or both, for failure of the licensee or the employee of any licensee to comply.
- (5) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a Circuit Court, but no officer, director, agent or employee of an insurer or person being examined or investigated shall be entitled to witness or mileage fees.
- (6) Any individual willfully testifying falsely under oath as to any material to any examination, investigation, or hearing shall upon conviction thereof be guilty of perjury.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 950, effective July 15, 2010. -- Amended 1994 Ky. Acts ch. 93, sec. 3, effective July 15, 1994. -- Created 1970 Ky. Acts ch. 301, subtit. 2, sec. 34, effective June 18, 1970.