

**367.964 Consumer security account.**

- (1) Any person selling preneed cemetery merchandise contracts or preconstruction mausoleums, columbarium or underground crypt contracts shall pay to the Attorney General five dollars (\$5) for each said contract entered into of which the gross sales price as defined in KRS 367.932 to 367.974 and 367.991 is five hundred dollars (\$500) or less and ten dollars (\$10) for each said contract entered into of which the gross sales price is over five hundred dollars (\$500), to be paid into a special income earning account known as "Consumer security account." The above said fees shall be remitted to the Attorney General at least once each month.
- (2) The funds in said account shall be used solely for the purpose of providing restitution to consumers who have suffered pecuniary loss in the purchase of a preneed cemetery merchandise contract or a preconstruction mausoleum, columbarium or underground crypt contract. The fund shall be applied only to restitution that is ordered by Circuit Court in a lawsuit brought under KRS 367.932 to 367.974 and 367.991 by the Attorney General and which is determined by the Attorney General to be noncollectible from the judgment debtor.
- (3) Whenever restitution is paid by the fund, the fund shall be subrogated to the amount of such restitution, and the Attorney General shall engage in all reasonable post judgment collection steps to collect said restitution from the judgment debtor and reimburse the fund.
- (4) The fund shall not be applied toward any restitution for losses in any lawsuit initiated by the Attorney General prior to July 13, 1984.
- (5) Notwithstanding any other provision of this section, the payment of restitution from the fund shall be a matter of grace and not of right and no person shall have any vested rights in the fund as a beneficiary or otherwise.

**Effective:** July 13, 1984

**History:** Created 1984 Ky. Acts ch. 116, sec. 19, effective July 13, 1984.