

**330.070 Apprentice auctioneer requirements -- License fee -- Continuing education requirement -- Pocket license -- Duty of auctioneer upon termination of apprentice employment -- Placement of licenses in escrow -- Notice of change of address.**

- (1) An apprentice auctioneer applying for an auctioneer license shall, subject to the provisions of KRS 330.060:
  - (a) Possess a current Kentucky apprentice auctioneer license;
  - (b) Serve an apprenticeship for a period of two (2) years as an apprentice auctioneer in Kentucky; and
  - (c) Submit a statement to the board, signed by the principal auctioneer, verifying that the applicant has participated in at least ten (10) auctions during the twenty-four (24) month period prior to application.
- (2) An apprentice auctioneer with an original license issued prior to June 30, 2010, shall be required to successfully complete the auctioneer examination.
- (3) Effective July 1, 2010, an applicant for an apprentice auctioneer license shall be required to successfully complete the auctioneer examination prior to being issued an apprentice license. No further examination shall be required prior to applying for an auctioneer license.
  - (a) An apprentice auctioneer shall apply for an auctioneer license after completing the required two (2) year apprenticeship and within five (5) years of being issued an apprentice license.
  - (b) If a licensed apprentice auctioneer does not apply for an auctioneer license within five (5) years of receiving an apprentice license, the apprentice license shall not be renewed.
  - (c) This subsection shall not apply to an apprentice auctioneer licensed prior to June 30, 2010.
- (4) If an applicant for an auctioneer license resides in a state which does not have a current reciprocity agreement with the board, the board may waive the eighty (80) hour education requirement or the apprenticeship requirement, or both, if the applicant demonstrates sufficient previous auction experience and competency by affidavit or by other evidence as required by the board.
- (5) An applicant for an auctioneer license who has previously held an auctioneer license which has been revoked, suspended, or which has expired without renewal may request, and the board may grant, a waiver of the requirement of possession of a current apprentice license.
- (6) Every application for a license issued by the board shall be submitted on forms prepared by the board. Each applicant shall furnish pertinent background data as outlined on those forms.
- (7) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish an initial license fee and annual renewal license fee, neither of which shall exceed one hundred fifty dollars (\$150).
  - (a) All licenses shall expire on the thirtieth day of June.

- (b) Each license shall be renewed on or before the expiration date.
  - (c) In addition to the renewal fee, a late fee shall be established by administrative regulations promulgated by the board on each license renewed within six (6) months after the expiration date.
  - (d) In the absence of any reason or condition which might warrant the refusal of renewing a license, and upon timely receipt of the renewal form and the annual fee, the board shall issue a license for the ensuing year.
- (8) (a) The board may require as a condition precedent to the renewal of any license, that each licensee complete continuing education up to ten (10) hours per license year. The board may impose different continuing education requirements upon different classifications of licenses under this chapter. The continuing education requirements in this subsection shall not apply to those auctioneers licensed prior to January 1, 1980.
- (b) A licensee who has not completed the required continuing education may, within the time period set forth in subsections (6) and (7) of this section, remit a fee established by administrative regulations promulgated by the board with the applicable renewal fees, and the continuing education reporting requirement shall be deferred to the next annual renewal. If the licensee fails to meet the continuing education requirement for the next annual renewal, the licensee shall successfully complete the examination before renewal of his or her license.
  - (c) The board may require all licensees to complete a six (6) hour board-approved core course once every four (4) years, that includes the core subjects of Kentucky auction statutes and regulations, ethics, and any other subject matter deemed appropriate by the board.
- (9) The board shall prepare and deliver to each licensee a pocket license. The pocket license of the apprentice auctioneer shall contain the name and address of his or her principal auctioneer. The board shall also prepare and deliver a license to each auction house operator.
- (a) Auction house operators shall display their licenses conspicuously and at all times in the auction house identified on the license.
  - (b) All licensees shall carry their pocket licenses when performing auctioneering tasks, to be shown upon request.
  - (c) A license or pocket license shall be replaced upon the request of the licensee and payment of a replacement fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.
- (10) When an apprentice auctioneer is discharged or voluntarily terminates employment with the auctioneer for any reason:
- (a) It shall be the immediate duty of the principal auctioneer to deliver to the board a written release of the apprentice auctioneer; and
  - (b) The apprentice auctioneer shall affiliate with a principal auctioneer within thirty (30) days by submitting to the board an affiliation letter signed by the

new principal auctioneer and a fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

An apprentice auctioneer shall not perform any of the acts regulated by this chapter until receiving a new license bearing a new principal auctioneer's name and address.

- (11) A licensee may place his or her license in escrow with the board if the licensee does not engage in any board-regulated auctioneering activity and continues to pay the annual renewal license fee.
  - (a) For each year the license is in escrow, a licensee shall be exempt from the contribution to the auctioneer's education, research, and recovery fund and the continuing education requirement.
  - (b) To reactivate a license in escrow, the licensee shall meet the current year's continuing education requirement and pay a reactivation fee and the annual renewal recovery fee, both of which shall be established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.
- (12) Notice in writing shall be given to the board by each licensee of any change of principal business location or residence address within ten (10) days of the change, and the board shall issue an updated license for the unexpired period. The board may fine, suspend, or revoke the license of a licensee who does not notify the board of a change of address within ten (10) days. Changing a business or a residence address on its records shall entitle the board to collect a fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 70, sec. 7, effective June 25, 2009. -- Amended 1998 Ky. Acts ch. 285, sec. 4, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 344, sec. 6, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 170, sec. 5, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 407, sec. 4, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 79, sec. 4, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 80, sec. 4, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 315, sec. 68. -- Amended 1970 Ky. Acts ch. 120, sec. 18. -- Created 1962 Ky. Acts ch. 251, sec. 7.