

1 AN ACT relating to the administration of payroll systems.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 336.180 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

5 **(1) The term "candidate" means any person who has received contributions or made**
6 **expenditures, has appointed a campaign treasurer, or has given his or her**
7 **consent for any other person to receive contributions or make expenditures with a**
8 **view to bringing about his or her nomination or election to public office, except**
9 **federal office;**

10 **(2) The term "committee" includes the following:**

11 **(a) "Campaign committee," which means one (1) or more persons who receive**
12 **contributions and make expenditures to support or oppose one (1) or more**
13 **specific candidates or slates of candidates for nomination or election to any**
14 **state, county, city, or district office, but does not include an entity**
15 **established solely by a candidate which is managed solely by a candidate**
16 **and a campaign treasurer and whose name is generic in nature, such as**
17 **"Friends of (the candidate)," and does not reflect that other persons have**
18 **structured themselves as a committee, designated officers of the committee,**
19 **and assigned responsibilities and duties to each officer with the purpose of**
20 **managing a campaign to support or oppose a candidate in an election;**

21 **(b) "Caucus campaign committee," which means members of any caucus**
22 **groups who receive contributions and make expenditures to support or**
23 **oppose one (1) or more specific candidates or slates of candidates for**
24 **nomination or election to any state, county, city, or district office, or a**
25 **committee in Kentucky or in any other state. Caucus campaign committees**
26 **include, but are not limited to:**

27 **1. The House Democratic caucus campaign committee;**

- 1 2. The House Republican caucus campaign committee;
2 3. The Senate Democratic caucus campaign committee;
3 4. The Senate Republican caucus campaign committee; and
4 5. Subdivisions of the state executive committee of a minor political
5 party, which serve the same function as the above-named committees,
6 as determined by administrative regulations promulgated by the
7 Kentucky Registry of Election Finance;
- 8 (c) "Political issues committee," which means three (3) or more persons
9 joining together to advocate or oppose a constitutional amendment or ballot
10 measure if that committee receives or expends money in excess of one
11 thousand dollars (\$1,000);
- 12 (d) "Permanent committee," which means a group of individuals, including an
13 association, committee, or organization, other than a campaign committee,
14 political issues committee, inaugural committee, caucus campaign
15 committee, or a party executive committee, which is established as, or
16 intended to be, a permanent organization having as a primary purpose
17 expressly advocating the election or defeat of one (1) or more clearly
18 identified candidates, slates of candidates, or political parties, which
19 functions on a regular basis throughout the year;
- 20 (e) An executive committee of a political party; and
- 21 (f) "Inaugural committee," which means one (1) or more persons who receive
22 contributions and make expenditures in support of inauguration activities
23 for any candidate or slate of candidates elected to any state, county, city, or
24 district office;
- 25 (3) The term "contributing organization" means a group which merely contributes
26 to candidates, slates of candidates, campaign committees, caucus campaign
27 committees, or executive committees from time to time from funds derived solely

1 from within the group, and which does not solicit or receive funds from sources
2 outside the group itself;

3 (4) The term "contribution" means any:

4 (a) Payment, distribution, loan, deposit, or gift of money or other thing of
5 value, to a candidate, his or her agent, a slate of candidates, its authorized
6 agent, a committee, or contributing organization but shall not include a
7 loan of money by any financial institution doing business in Kentucky made
8 in accordance with applicable banking laws and regulations and in the
9 ordinary course of business. As used in this subsection, "loan" shall
10 include a guarantee, endorsement, or other form of security where the risk
11 of nonpayment rests with the surety, guarantor, or endorser, as well as with
12 a committee, contributing organization, candidate, slate of candidates, or
13 other primary obligor. No person shall become liable as surety, endorser, or
14 guarantor for any sum in any one (1) election which, when combined with
15 all other contributions the individual makes to a candidate, his or her agent,
16 a slate of candidates, its agent, a committee, or a contributing organization,
17 exceeds the contribution limits provided in KRS 121.150;

18 (b) Payment by any person other than the candidate, his or her authorized
19 treasurer, a slate of candidates, its authorized treasurer, a committee, or a
20 contributing organization, of compensation for the personal services of
21 another person which are rendered to a candidate, slate of candidates,
22 committee, or contributing organization, or for inauguration activities;

23 (c) Goods, advertising, or services with a value of more than one hundred
24 dollars (\$100) in the aggregate in any one (1) election which are furnished
25 to a candidate, slate of candidates, committee, or contributing organization
26 or for inauguration activities without charge, or at a rate which is less than
27 the rate normally charged for the goods or services; or

1 (d) Payment by any person other than a candidate, his or her authorized
2 treasurer, a slate of candidates, its authorized treasurer, a committee, or
3 contributing organization for any goods or services with a value of more
4 than one hundred dollars (\$100) in the aggregate in any one (1) election
5 which are utilized by a candidate, slate of candidates, committee, or
6 contributing organization, or for inauguration activities;

7 (5) The term "election" means any primary, regular, or special election. Each
8 primary, regular, or special election shall be considered a separate election;

9 (6) The term "electioneering communications" means:

10 (a) Any communication broadcast by television or radio, printed in a
11 newspaper or on a billboard, directly mailed or delivered by hand to
12 personal residences, or telephone calls made to personal residences, or
13 otherwise distributed that:

14 1. Unambiguously refers to any candidate for any state, county, city, or
15 district office, or to any ballot measure;

16 2. Is broadcasted, printed, mailed, delivered, made, or distributed within
17 thirty (30) days before a primary election or sixty (60) days before a
18 general election; and

19 3. Is broadcasted to, printed in a newspaper, distributed to, mailed to or
20 delivered by hand to, telephone calls made to, or otherwise distributed
21 to an audience that includes members of the electorate for such public
22 office or the electorate associated with the ballot containing the ballot
23 measure.

24 (b) The term "electioneering communications" does not include:

25 1. Any news articles, editorial endorsements, opinions or commentary,
26 writings, or letters to the editor printed in a newspaper, magazine, or
27 other periodical not owned by or controlled by a candidate, committee,

- 1 or political party;
- 2 2. Any editorial endorsements or opinions aired by a broadcast facility
- 3 not owned or controlled by a candidate, committee, or political party;
- 4 3. Any communication by persons made in the regular course and scope
- 5 of their business or any communication made by a membership
- 6 organization solely to members of such an organization and their
- 7 families;
- 8 4. Any communication that refers to any candidate only as part of the
- 9 popular name of a bill or statute;
- 10 5. A communication that constitutes a contribution or independent
- 11 expenditure as defined in this section;

12 ~~[(1) The term "labor organization" means any organization of any kind, or any agency or~~

13 ~~employee representation committee, association or union which exists for the~~

14 ~~purpose, in whole or in part, of dealing with employers concerning wages, rates of~~

15 ~~pay, hours of employment or conditions of work, or other forms of compensation;]~~

16 ~~(Z)[(2)]~~ The term "employer" means all persons, firms, associations, corporations,

17 public employers, public school employers, and public colleges, universities,

18 institutions, and education agencies;~~[and]~~

19 (8) The term "fundraiser" means an individual who directly solicits and secures

20 contributions on behalf of a candidate or slate of candidates for a statewide-

21 elected state office, or an office in a jurisdiction with a population in excess of

22 two hundred thousand (200,000) residents;

23 (9) The term "independent expenditure" means the expenditure of money or other

24 things of value for a communication which expressly advocates the election or

25 defeat of a clearly identified candidate or slate of candidates, and which is made

26 without any coordination, consultation, or cooperation with any candidate, slate

27 of candidates, campaign committee, or any authorized person acting on behalf of

1 any of them, and which is not made in concert with, or at the request or
 2 suggestion of any candidate, slate of candidates, campaign committee, or any
 3 authorized person acting on behalf of any of them;

4 (10) The term "labor organization" means any organization of any kind, or any
 5 agency or employee representation committee, association or union which exists
 6 for the purpose, in whole or in part, of dealing with employers concerning wages,
 7 rates of pay, hours of employment or conditions of work, or other forms of
 8 compensation;

9 ~~[(3) The term "public employee" means an employee of a "public agency" as that term is~~
 10 ~~defined in KRS 61.870(1).]~~

11 (11) The term "political activities" means any contribution or independent
 12 expenditure made:

13 (a) To any committee;

14 (b) To any contributing organization;

15 (c) To any candidate;

16 (d) To any slate of candidates;

17 (e) To any fundraiser;

18 (f) For any electioneering communications;

19 (g) For any testimonial affair;

20 (h) In any manner intended to influence the outcome of any election;

21 (i) In any manner intended to otherwise promote or support the defeat of any:

22 1. Candidate;

23 2. Slate of candidates; or

24 3. Ballot measure; or

25 (j) In any manner intended to advance any position held by any person or
 26 entity other than the public employee regarding any:

27 1. Election;

1 2. Candidate;

2 3. Slate of candidates; or

3 4. Ballot measure;

4 (12) The term "public employee" means an employee of a "public agency" as that
 5 term is defined in KRS 61.870;

6 (13) The term "slate of candidates" means:

7 (a) Between the time a certificate or petition of nomination has been filed for a
 8 candidate for the office of Governor under KRS 118.365 and the time the
 9 candidate designates a running mate for the office of Lieutenant Governor
 10 under KRS 118.126, a slate of candidates consists of the candidate for the
 11 office of Governor; and

12 (b) After that candidate has designated a running mate under KRS 118.126,
 13 that same slate of candidates consists of that same candidate for the office
 14 of Governor and the candidate's running mate for the office of Lieutenant
 15 Governor. Unless the context requires otherwise, any provision of law that
 16 applies to a candidate shall also apply to a slate of candidates; and

17 (14) The term "testimonial affair" means an affair held in honor of a person who
 18 holds or who is or was a candidate for nomination or election to a state, city,
 19 county, or district political office designed to raise funds for the purpose of
 20 influencing the outcome of an election, otherwise promoting support for, or the
 21 defeat of, any candidate, slate of candidates, or ballot measure.

22 ➔Section 2. KRS 336.134 is amended to read as follows:

23 (1) It is unlawful for any public employer to deduct from the wages, earnings, or
 24 compensation of any public employee for:

25 (a) Any dues, fees, assessments, or other charges to be held for, transferred to,
 26 or paid over to a labor organization, unless the public employee has first
 27 presented, and the public employer has received, a signed written

1 authorization of such deductions, which shall comply with Section 6 of this
 2 Act; or

3 (b) Political activities.

4 (2) A public employee may revoke the written authorization described in subsection
 5 (1) of this section at any time by providing the public employer with written notice
 6 of his or her revocation

7 ~~[A public employer or a labor organization representing public employees shall not~~
 8 ~~deduct membership dues of an employee organization, association, or union from the~~
 9 ~~wages, earnings, or compensation of a public employee without the express written~~
 10 ~~consent of the public employee. This consent shall be made prior to any deductions being~~
 11 ~~made and may be revoked by the public employee at any time by written notice to the~~
 12 ~~employer].~~

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
 14 READ AS FOLLOWS:

15 No public employer shall assist, directly or indirectly, any labor organization, person,
 16 or other legal entity with the collection of dues, fees, assessments, payments, or other
 17 charges, or personal information related to them, if any of the funds are to be used for
 18 political activities.

19 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
 20 READ AS FOLLOWS:

21 Sections 1, 2, 3, 5, 6, 7, and 8 of this Act shall not apply to any deductions from a
 22 public employee's wages, compensation, or earnings, authorized by state or federal law
 23 or by the public employee, and made by the public employee's public employer in
 24 accordance with any joint wage agreement or collective bargaining contracts entered
 25 into, opted into, renewed, or extended prior to the effective date of this Act. However,
 26 any joint wage agreements or collective bargaining contracts entered into, opted into,
 27 renewed, or extended after the effective date of this Act, as well as any deductions made

1 to a public employee's wages, compensation, or earnings made in accordance with
2 those joint wage agreements or collective bargaining contracts or otherwise made after
3 the effective date of this Act, shall comply with Sections 1, 2, 3, 5, 6, 7, and 8 of this
4 Act.

5 →Section 5. KRS 161.158 is amended to read as follows:

6 (1) (a) Each district board of education may form its employees into a group or
7 groups or recognize existing groups for the purpose of obtaining the
8 advantages of group life, disability, medical, and dental insurance, or any
9 group insurance plans to aid its employees including the state employee health
10 insurance group as described in KRS 18A.225 to 18A.2287, as long as the
11 employees continue to be employed by the board of education. Medical and
12 dental group insurance plans obtained under authority of this section may
13 include insurance benefits for the families of the insured group or groups of
14 employees. Any district board of education may pay all or part of the premium
15 on the policies, and may deduct from the salaries of the employees that part of
16 the premium which is to be paid by them and may contract with the insurer to
17 provide the above benefits. As permitted in KRS 160.280(4), board members
18 shall be eligible to participate in any group medical or dental insurance
19 provided by the district for employees.

20 (b) If a district board of education participates in the state employee health
21 insurance program, as described in KRS 18A.225 to 18A.2287, for its active
22 employees and terminates participation and there is a state appropriation
23 approved by the General Assembly for the employer's contribution for active
24 employees' health insurance coverage, neither the board of education nor the
25 employees shall receive the state-funded contribution after termination from
26 the state employee health insurance program.

27 (c) If a district board of education participates in the state employee health

1 insurance program as described in KRS 18A.225 to 18A.2287 for its active
2 employees, all district employees who are required to be offered health
3 insurance coverage for purposes of, and in accordance with, the federal Patient
4 Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, shall be
5 eligible for the state-funded contribution appropriated by the General
6 Assembly for the employer's contribution for active employees' health
7 insurance coverage.

- 8 (2) (a) Each district board of education shall adopt policies or regulations which will
9 provide for:
- 10 1. a. Deductions from salaries of its employees or groups of employees
11 whenever a request is presented to the board by said employees or
12 groups thereof.
 - 13 b. The deductions shall be made from salaries earned in at least eight
14 (8) different pay periods.
 - 15 c. The deductions may be made for, but are not limited to,
16 membership dues, tax-sheltered annuities, and group insurance
17 premiums.
 - 18 d. i. The district board is prohibited from deducting membership
19 dues of an employee organization, membership organization,
20 or labor organization without the express written consent of
21 the employee *directly from the employee to the district*
22 *board.* Express written consent of the employee may be
23 revoked in writing by the employee at any time. *Upon*
24 *receipt of a request, the district board, employee*
25 *organization, membership organization, or labor*
26 *organization shall cease any withholding of dues from the*
27 *employee's wages and no further debt to the employee*

1 organization, membership organization, or labor
2 organization shall accrue. This provision shall apply to
3 contracts entered into, opted in, extended or renewed on or
4 after the effective date of this Act[January 9, 2017].

5 ii. The authorization for withholding shall be on a form
6 approved by the district board and shall contain a
7 statement in fourteen (14) point boldface font that reads as
8 follows: "I am aware that I have a First Amendment right,
9 as recognized by the United States Supreme Court, to
10 refrain from joining and paying dues or fees to an
11 employee organization, membership organization, or labor
12 organization. I further realize that membership and
13 payment of dues or fees are voluntary and that I may not be
14 discriminated against for my refusal to join or financially
15 support an employee organization, membership
16 organization, or labor organization. I authorize my
17 employer to deduct union dues or fees from my salary in
18 the amounts specified in accordance with my
19 organization's bylaws. I understand that I may revoke this
20 authorization at any time."

21 iii. The authorization-for-withholding form shall include the
22 employee's full name, position, employee organization,
23 membership organization, or labor organization, and
24 signature and shall be submitted to the district board. After
25 receiving the authorization-for-withholding form, the
26 district board shall confirm the authorization by e-mailing
27 the employee at the employee's employer-provided work e-

mail address and shall wait for confirmation of the authorization before starting any deduction. If the employee does not possess an employer-provided work e-mail address, the employer may use any other means it deems appropriate to confirm the authorization.

- 6 e. With the exception of membership dues, the board shall not be
7 required to make more than one (1) remittance of amounts
8 deducted during a pay period for a separate type of deduction; and
- 9 2. Deductions from payments for the per diem and actual expenses
10 provided under KRS 160.280(1) to members of the district board of
11 education whenever a request is presented by a board member to the
12 board. The deductions may be made for but not be limited to
13 membership dues, health insurance purchases, scholarship funds, and
14 contributions to a political action committee.
- 15 (b) The deductions under paragraph (a)1. and 2. of this subsection shall be
16 remitted to the appropriate organization or association as specified by the
17 employees within thirty (30) days following the deduction, provided the
18 district has received appropriate invoices or necessary documentation.
- 19 (c) Health insurance, life insurance, and tax-sheltered annuities shall be
20 interpreted as separate types of deductions. When amounts have been
21 correctly deducted and remitted by the board, the board shall bear no further
22 responsibility or liability for subsequent transaction.
- 23 (3) Payments and deductions made by the board of education under the authority of this
24 section are presumed to be for services rendered and for the benefit of the common
25 schools, and the payments and deductions shall not affect the eligibility of any
26 school system to participate in the public school funding program as established in
27 KRS Chapter 157.

1 ➔Section 6. KRS 336.135 is amended to read as follows:

- 2 (1) As used in this section, "employee" means any person employed by or suffered or
3 permitted to work for a public or private employer, except "employee" shall not
4 mean any person covered by the Federal Railway Labor Act and the National Labor
5 Relations Act.
- 6 (2) An employee shall not be enrolled as a member of a labor organization unless the
7 employee has affirmatively requested membership in writing.
- 8 (3) (a) A sum shall not be withheld from the earnings of any employee for the
9 purpose of paying union dues or other fees paid by members of a labor
10 organization or employees who are non-members except upon the written or
11 electronic authorization of the employee member or employee non-member
12 directly to the employer.
- 13 (b) Written consent of the employee may be revoked by the employee at any
14 time. Upon receipt of a request, the employer or labor organization shall
15 cease any withholding of dues or other fees from employees' wages and no
16 further debt to the labor organization shall accrue.
- 17 (c) 1. Authorization for withholding shall be on a form approved by the
18 Labor Cabinet, which shall report annually on implementation of the
19 authorization to the General Assembly and shall contain a statement
20 in fourteen (14) point boldface font reading: "I am aware that I have
21 a First Amendment right, as recognized by the United States Supreme
22 Court, to refrain from joining and paying dues or fees to a labor
23 organization. I further realize that membership and payment of dues
24 or fees are voluntary and that I may not be discriminated against for
25 my refusal to join or financially support a labor organization. I
26 authorize my employer to deduct union dues or fees from my salary in
27 the amounts specified in accordance with my organization's bylaws. I

1 *understand that I may revoke this authorization at any time."*

2 *2. The authorization-for-withholding form shall include the employee's*
3 *full name, position, labor organization, and signature or electronic*
4 *signature and shall be submitted to the employer. After receiving the*
5 *authorization-for-withholding form, the employer shall confirm the*
6 *authorization by e-mailing the employee at the employee's employer-*
7 *provided work e-mail address and shall wait for confirmation of the*
8 *authorization before starting any deduction. If the employee does not*
9 *possess an employer-provided work e-mail address, the employer may*
10 *use other means it deems appropriate to confirm the authorization.*

11 (4) The requirements in this section shall not be waived by any member or non-member
12 of a labor organization, nor required to be waived as a condition of obtaining or
13 maintaining employment.

14 (5) Signing or refraining from signing the authorization set forth in subsections (2) and
15 (3) of this section shall not be made a condition of obtaining or maintaining
16 employment.

17 (6) (a) A labor organization shall maintain financial records substantially similar to
18 and no less comprehensive than the records required to be maintained under
19 29 U.S.C. sec. 431(b).

20 (b) These records shall be kept in a searchable electronic format and provided to
21 every employee it represents.

22 (c) The records and the data or summary by which the records can be verified,
23 explained, or clarified shall be kept for a period of not less than five (5) years.

24 (7) This section shall not apply to any agreement between employers and employees or
25 labor organizations entered into before January 9, 2017, but any such agreement
26 entered into, opted in, renewed, or extended on or after January 9, 2017, and which
27 violates this section shall be unlawful and void.

1 (8) This section shall be known as the "Paycheck Protection Act."

2 ➔Section 7. KRS 65.158 is amended to read as follows:

3 Any city, consolidated local government, or urban-county government which makes
4 deductions from the pay of its employees for any cause other than taxes shall, upon the
5 written request of at least thirty percent (30%) of all employees within a department or
6 division, deduct the amount from the pay of an employee as he may note on a signed
7 payroll notification card or voucher for the purposes of employee benefits, insurance,
8 community projects, or union dues. No deduction shall be made pursuant to this section
9 from the pay of any employee who does not sign a payroll notification card or voucher.
10 **For any deduction made under this section in connection with dues, fees, assessments,**
11 **or other charges associated with a union or labor organization as defined in Section 1**
12 **of this Act, the payroll notification card or voucher shall comply with Section 6 of this**
13 **Act.** Upon these deductions, the city, consolidated local government, or urban-county
14 government shall, within thirty (30) days, pay to the elected representative or designated
15 recipient for the employees of the department or division the total amount of the
16 deductions minus the actual cost to the city, consolidated local government, or urban-
17 county government of processing the deductions.

18 ➔Section 8. KRS 164.365 is amended to read as follows:

19 (1) Anything in any statute of the Commonwealth to the contrary notwithstanding, the
20 power over and control of appointments, qualifications, salaries, and compensation
21 payable out of the State Treasury or otherwise, promotions, and official relations of
22 all employees of Eastern Kentucky University, Western Kentucky University,
23 Murray State University, Northern Kentucky University, and Morehead State
24 University, as provided in KRS 164.350 and 164.360, and of Kentucky State
25 University and the Kentucky Community and Technical College System, shall be
26 under the exclusive jurisdiction of the respective governing boards of each of the
27 institutions named.

- 1 (2) The board of regents for the Kentucky Community and Technical College System
2 shall develop personnel rules for the governing of its members, officers, agents, and
3 employees by June 30, 1998. The board shall adopt interim policies to govern
4 employees hired from July 1, 1997, until the permanent rules are adopted.
- 5 (3) Upon receipt of a written authorization from an employee of the Kentucky
6 Community and Technical College System, the board shall deduct dues from the
7 employee's paycheck for employee membership organizations. **If any deduction is**
8 **made in association with a labor organization as defined in Section 1 of this Act,**
9 **the written authorization required by this subsection shall comply with Section 6**
10 **of this Act.** Dues shall be deducted at a rate established by the organization, and
11 shall be discontinued upon written notification by an employee to both the system
12 and the employee organization. On a quarterly basis, the Kentucky Community and
13 Technical College System shall provide to each employee membership organization
14 an updated list that includes the names and home addresses of the employees who
15 are having dues deducted from their paychecks for the purpose of maintaining
16 membership in that organization.

17 ➔Section 9. KRS 336.990 is amended to read as follows:

- 18 (1) Upon proof that any person employed by the Labor Cabinet as a labor inspector has
19 taken any part in any strike, lockout or similar labor dispute, the person shall forfeit
20 his or her office.
- 21 (2) The following civil penalties shall be imposed, in accordance with the provisions in
22 KRS 336.985, for violations of the provisions of this chapter:
- 23 (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be
24 assessed a civil penalty of not less than one hundred dollars (\$100) nor more
25 than one thousand dollars (\$1,000);
- 26 (b) Any corporation, association, organization, or person that violates KRS
27 336.190 and 336.200 shall be assessed a civil penalty of not less than one

1 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
2 offense. Each act of violation, and each day during which such an agreement
3 remains in effect, shall constitute a separate offense;

4 (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a
5 civil penalty of not less than one hundred dollars (\$100) nor more than one
6 thousand dollars (\$1,000) for each violation;~~and~~

7 (d) Any labor organization who violates KRS 336.135 shall be assessed a civil
8 penalty of not less than one hundred dollars (\$100) nor more than one
9 thousand dollars (\$1,000) for each offense; and

10 (e) Any public employer or labor organization who violates Sections 2, 3, 4, 5,
11 6, 7, or 8 of this Act shall be assessed a civil penalty of not less than one
12 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for
13 each offense.

14 (3) Any labor organization, employer, or other person who directly or indirectly
15 violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.

16 (4) Any person aggrieved as a result of any violation or threatened violation of KRS
17 336.130(3) may seek abatement of the violation or threatened violation by
18 petitioning a court of competent jurisdiction for injunctive relief and shall be
19 entitled to costs and reasonable attorney fees if he or she prevails in the action.

20 (5) Any person injured as a result of any violation or threatened violation of KRS
21 336.130(3) may recover all damages resulting from the violation or threatened
22 violation and shall be entitled to costs and reasonable attorney fees if he or she
23 prevails in the action.