

411.292 Rebuttable presumption that design, plans, and specifications prepared by design professional comply with applicable design and engineering standards and contracting entity standards -- Liability.

- (1) Acceptance of a project by the contracting entity shall create a rebuttable presumption that the:
 - (a) Design, plans, and specifications prepared by the design professional comply with the applicable design and engineering standards and requirements established or mandated by the contracting entity;
 - (b) Contractor followed the plans and specifications of the contracting entity; and
 - (c) Contractor satisfied their responsibility to the contracting entity.
- (2) A contractor or design professional entitled to the rebuttable presumption established under subsection (1) of this section shall not be liable for any claims for property damage, physical injury, or death alleged to arise out of the work performed on the project in any civil cause of action unless it is established by a preponderance of the evidence that:
 - (a) An error or omission in the design, plans, or specifications prepared by the design professional, resulting in a dangerous condition;
 - (b) A failure of the contractor to follow the plans and specifications, resulting in a dangerous condition; or
 - (c) A latent defect creating a dangerous condition that is the result of the work of the contractor;

was a substantial factor in causing the alleged property damage, physical injury, or death.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 97, sec. 2, effective July 15, 2026.