

411.294 Rebuttable presumption in action against contracting entity that prohibited conduct was substantial factor.

In any action for injury, damages, or wrongful death, whether in contract or in tort, against a contracting entity, its contractor, or its design professional arising from any negligent act or omission in the design, construction, or maintenance of a public highway, road, bridge, or street, when it is established by a preponderance of the evidence that:

- (1) The operator of the vehicle engaged in conduct that would have supported a violation of KRS 189.292 or 189A.010; or
- (2) The vehicle was traveling at a rate of twenty-five (25) or more miles per hour over the applicable speed limit;

there shall be a rebuttable presumption that the prohibited conduct was a substantial factor in causing the injury, damages, or wrongful death.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 97, sec. 3, effective July 15, 2026.