

277.320 Contributory negligence -- Assumption of risk.

In any action brought against a common carrier by railroad under KRS 277.310 to recover damages for injury to or death of any employee, the employee shall not be held to have assumed the risk of his employment nor to have been guilty of contributory negligence in any case where the violation by the carrier of any state or federal statute enacted for the safety of employees contributed to the injury or death of the employee. In a case where a safety statute has not been violated, the fact that the employee was guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to the employee.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 820b-2, 820b-3.