

304.39-048 Authorized insurers -- Exclusions -- Defense of claims.

- (1) As used in this section, the following have the same meaning as in KRS 365.530:
 - (a) "Delivery available period";
 - (b) "Delivery network driver"; and
 - (c) "Delivery service period."
- (2) An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage, and the duty to defend or indemnify, for any injury or loss that occurs during a delivery available period or delivery service period, including but not limited to:
 - (a) Security for payment of tort liabilities under KRS 304.39-110;
 - (b) Uninsured motorist coverage under KRS 304.20-020;
 - (c) Underinsured motorist coverage under KRS 304.39-320;
 - (d) Basic reparation benefits as defined in KRS 304.39-020;
 - (e) Medical payments coverage;
 - (f) Comprehensive property damage coverage; and
 - (g) Collision property damage coverage.
- (3) A motor vehicle liability insurer that defends or indemnifies a claim against a delivery network driver shall have the right to seek recovery against the insurer providing coverage under KRS 365.532(1) and (2) if:
 - (a) The claim occurs during a delivery available period or delivery service period; and
 - (b) Coverage for the claim is excluded under the terms of the insurer's policy.

Effective: January 1, 2025

History: Created 2024 Ky. Acts ch. 13, sec. 5, effective January 1, 2025.

Legislative Research Commission Note (1/1/2025). 2024 Ky. Acts ch. 13, sec. 6, provides that this statute shall apply to motor vehicle liability insurance policies issued or renewed on or after January 1, 2025.