

CHAPTER 309

(SB 257)

AN ACT relating to limitation of actions.

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

Section 1. KRS 413.140 is amended to read as follows:

- (1) The following actions shall be commenced within one (1) year after the cause of action accrued:
 - (a) An action for an injury to the person of the plaintiff, or of her husband, his wife, child, ward, apprentice or servant.
 - (b) An action for injuries to persons, cattle or other livestock by railroads or other corporations, with the exception of hospitals licensed pursuant to KRS Chapter 216.
 - (c) An action for malicious prosecution, conspiracy, arrest, seduction, criminal conversation or breach of promise of marriage.
 - (d) An action for libel or slander.
 - (e) An action against a physician, surgeon, dentist or hospital licensed pursuant to KRS Chapter 216, for negligence or malpractice.
 - (f) ***A civil action, arising out of any act or omission in rendering, or failing to render, professional services for others, whether brought in tort or contract, against a real estate appraiser holding a certificate or license issued under KRS Chapter 324A.***
 - (g) An action for the escape of a prisoner, arrested or imprisoned on civil process.
 - ~~(h)(g)~~ An action for the recovery of usury paid for the loan or forbearance of money or other thing, against the loaner or forbearer or assignee of either.
 - ~~(i)(h)~~ An action for the recovery of stolen property, by the owner thereof against any person having the same in his possession.
 - ~~(j)(i)~~ An action for the recovery of damages or the value of stolen property, against the thief or any accessory.
- (2) In respect to the action referred to in paragraph (e) of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the injury is first discovered or in the exercise of reasonable care should have been discovered; provided that such action shall be commenced within five (5) years from the date on which the alleged negligent act or omission is said to have occurred.
- (3) ***In respect to the action referred to in paragraph (f) of subsection (1) of this section, the cause of action shall be deemed to accrue within one (1) year from the date of the occurrence or from the date when the cause of action was, or reasonably should have been, discovered by the party injured.***
- (4) In respect to the action referred to in paragraph ~~(h)(g)~~ of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of payment. This limitation shall apply to all payments made on all demands, whether evidenced by writing or existing only in parol.

~~(5)(4)~~In respect to the action referred to in paragraph ~~(i)(h)~~ of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the property is found by its owner.

~~(6)(5)~~In respect to the action referred to in paragraph ~~(j)(i)~~ of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of discovery of the liability. **Approved April 4, 2000**