

**CHAPTER 77****(HB 48)**

AN ACT relating to civil actions.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

- (1) *An employer who provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of that employee or prospective employer, shall be immune from civil liability arising out of the disclosure unless the plaintiff in the civil action proves:***
  - (a) *That the employer disclosed the information knowing that it was false, with reckless disregard of whether it was true or false, or with intent to mislead the prospective employer; or***
  - (b) *That the disclosure of the information by the employer constitutes an unlawful discriminatory practice under KRS Chapter 344.***
- (2) *This section does not create a new cause of action or substantive legal right against an employer.***
- (3) *This section does not limit an employer's immunity from civil liability or defenses established in another section of the Kentucky Revised Statutes or available at common law.***

**Approved April 7, 2004**