

CHAPTER 111

(HB 426)

AN ACT relating to supersedeas bonds.

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

Section 1. KRS 411.187 is amended to read as follows:

- (1) ***In any civil action brought under any legal theory, the amount of a supersedeas bond necessary to stay execution of a judgment granting legal, equitable, or any other relief during the entire course of all appeals or discretionary reviews of the judgment by all appellate courts shall be set in accordance with applicable law, except that the total amount of the supersedeas bonds that are required collectively of all appellants during the appeal of a civil action may not exceed one hundred million dollars (\$100,000,000) in the aggregate, regardless of the amount of the judgment that is appealed.***~~If the appellee in a civil action obtains a judgment for punitive or exemplary damages and the appellant seeks a stay of enforcement of the judgment in order to obtain review by an appellate court, the supersedeas bond for the punitive damages portion of the judgment on appeal shall not exceed one hundred million dollars (\$100,000,000).~~
- (2) If the appellee proves by a preponderance of the evidence that a party bringing an appeal, for whom the supersedeas bond requirement has been limited, is purposefully dissipating or diverting assets outside of the ordinary course of its business for the purpose of avoiding ultimate payment of the ~~punitive damages~~ judgment, the limitation granted under subsection (1) of this section shall be rescinded and ***a court may require the appellant to post a bond in an amount up to***~~the bond requirement shall be reinstated for~~ the full amount of the judgment ***pursuant to the Kentucky Rules of Civil Procedure.***

Section 2. Section 1 of this Act shall apply to all civil actions pending on the effective date of this Act.

Approved April 5, 2007.