

## CHAPTER 97

## ( SB 195 )

AN ACT relating to participants in the legal system.

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:

*As used in Sections 1 to 5 of this Act, unless the context otherwise requires:*

- (1) *"Contracting entity" means the Commonwealth, or any city, county, urban-county government, consolidated local government, unified local government, or charter county government;*
- (2) *"Contractor" means any individual, corporation, limited liability company, partnership, or other legal entity, and any subcontractor, director, officer, or employee of the individual or legal entity that contracts with a contracting entity to furnish labor, materials, equipment, and other incidentals necessary for performance of work on a project;*
- (3) *"Dangerous condition" means a condition that is not reasonably safe for the intended use of the roadway and is capable of causing an individual physical injury or death under the anticipated use of the roadway;*
- (4) *"Design professional" means a licensed professional engineer or other individual or entity licensed or permitted under Kentucky law to perform design services that contracts with a contracting entity to provide design services for a project, including the preparation of plans, drawings, and specifications;*
- (5) *"Latent defect" means a defect or omission resulting from the work performed or materials provided by the contractor under the contract that was not discoverable, visible, or apparent;*
- (6) *"Project" means the construction, repair, or maintenance by a contractor of a section of highway, road, bridge, or street together with all appurtenances, as specified in a contract with a contracting entity; and*
- (7) *"Specifications" means plans, traffic control requirements, communication requirements, drawings, bid documents, or any other written or electronically stored requirements and details the contractor agrees to perform.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

- (1) *Acceptance of a project by the contracting entity shall create a rebuttable presumption that the:*
  - (a) *Design, plans, and specifications prepared by the design professional comply with the applicable design and engineering standards and requirements established or mandated by the contracting entity;*
  - (b) *Contractor followed the plans and specifications of the contracting entity; and*
  - (c) *Contractor satisfied their responsibility to the contracting entity.*
- (2) *A contractor or design professional entitled to the rebuttable presumption established under subsection (1) of this section shall not be liable for any claims for property damage, physical injury, or death alleged to arise out of the work performed on the project in any civil cause of action unless it is established by a preponderance of the evidence that:*
  - (a) *An error or omission in the design, plans, or specifications prepared by the design professional, resulting in a dangerous condition;*
  - (b) *A failure of the contractor to follow the plans and specifications, resulting in a dangerous condition; or*
  - (c) *A latent defect creating a dangerous condition that is the result of the work of the contractor; was a substantial factor in causing the alleged property damage, physical injury, or death.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

*In any action for injury, damages, or wrongful death, whether in contract or in tort, against a contracting entity, its contractor, or its design professional arising from any negligent act or omission in the design, construction, or*

*maintenance of a public highway, road, bridge, or street, when it is established by a preponderance of the evidence that:*

- (1) *The operator of the vehicle engaged in conduct that would have supported a violation of KRS 189A.010 or 189.292; or*
- (2) *The vehicle was traveling at a rate of twenty-five (25) or more miles per hour over the applicable speed limit;*

*there shall be a rebuttable presumption that the prohibited conduct was a substantial factor in causing the injury, damages, or wrongful death.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

*A contractor shall bear no civil liability for:*

- (1) *Any alleged property damage, personal injury, death, or other civil claims made by a noncontractual third party arising from the design decisions or professional engineering judgment, including decisions relating to the proper scope or inspection of the project, of the contracting entity. This subsection shall not apply when the contractor either:*
  - (a) *Contracts in whole or in part to design the project or to provide professional engineering services related to the design of the project; or*
  - (b) *Undertakes to provide design or professional engineering services as to the project; or*
- (2) *Any dangerous condition that is outside the scope of the project or that is in excess of any requirement of the governing plans and specifications provided by the contracting entity, except when:*
  - (a) *The contractor contracts to design in whole or in part the project or to provide engineering services related to the design of the project; or*
  - (b) *The contractor undertakes to provide services related to the project that are outside the scope of the project or that are in excess of any requirement of the governing plans and specifications.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

*Sections 1 to 5 of this Act shall:*

- (1) *Apply to any claim that arises on or after the effective date of this Act;*
- (2) *Not bar or limit any claim or defense otherwise available, except as otherwise provided in Sections 1 to 5 of this Act; and*
- (3) *Not create a new theory upon which liability may be based.*

➔Section 6. KRS 14.302 is amended to read as follows:

- (1) The Safe at Home Program is hereby established within the Office of the Secretary of State.
- (2) The Safe at Home Program shall be operated with the intent to protect:
  - (a) Victims of:
    1. ~~{(a)}~~ Domestic violence;
    2. ~~{(b)}~~ Human trafficking;
    3. ~~{(c)}~~ Stalking;
    4. ~~{(d)}~~ Sexual assault;
    5. ~~{(e)}~~ Rape; and
    6. ~~{(f)}~~ Other sexual crimes as defined by KRS 17.500;
  - (b) *Commonwealth's attorneys or assistant Commonwealth's attorneys;*
  - (c) *County attorneys or assistant county attorneys;*
  - (d) *Attorneys with the Office of the Attorney General;*
  - (e) *Attorneys employed by:*

1. *The Department of Public Advocacy;*
  2. *The Offices of the United States Attorneys; and*
  3. *Western Kentucky Federal Community Defender, Inc.; and*
- (f) *Attorneys appointed to a panel to represent indigent clients under the Criminal Justice Act, 18 U.S.C. sec. 3006A.*

- (3) The Safe at Home Program shall authorize the use of designated addresses for victims, their minor children, and all other individuals residing with the victim.
- (4) The Safe at Home Program shall be open to victims of a specified offense who are United States citizens and residents of Kentucky, without any cost to the program participant.
- (5) The Secretary of State shall require that each person employed in the Office of the Secretary of State directly responsible for the administration of the Safe at Home Program submit his or her fingerprints to the Department of State. The Department of State shall exchange fingerprint data with the Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of each employee directly responsible for the administration of the program.

➔Section 7. KRS 14.304 is amended to read as follows:

- (1) Upon the creation of the Safe at Home Program, the following individuals may apply to the Secretary of State to have an address designated as his or her mailing address in place of his or her residential address:
  - (a) An adult victim;
  - (b) A parent or guardian acting on behalf of a minor when the minor resides with him or her;
  - (c) A guardian acting on behalf of an incapacitated individual who is a victim of a specified offense;~~and~~
  - (d) Any individuals residing with the victim; *and*
  - (e) *Anyone identified in subsection (2)(b) to (f) of Section 6 of this Act.*
- (2) The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains:
  - (a) 1. *For victims*, a sworn statement, under penalty of perjury, by the applicant that:
    - a.~~{1}~~ The applicant is a victim of a specified offense or resides in the same household as a victim of a specified offense;
    - b.~~{2}~~ The applicant fears for his or her own safety or the safety of another person who resides in the same household; and
    - c.~~{3}~~ The applicant is not applying for certification as a program participant in order to avoid prosecution for a crime; *or*
  2. *For anyone identified in subsection (2)(b) to (f) of Section 6 of this Act, a sworn statement, under penalty of perjury, by the applicant that:*
    - a. *He or she is qualified to request to participate in the program under Section 6 of this Act; and*
    - b. *He or she desires to be a part of the program;*
- (b) The mailing address and the phone number or numbers where the applicant can be contacted by the Secretary of State or the Secretary of State's designee;
- (c) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of a specified offense, jeopardize the applicant's safety, or increase the risk of violence to the applicant or members of the applicant's household;
- (d) The date the application was prepared, the applicant's signature, and, if applicable, the signature of the application assistant who assisted the applicant in applying to be a program participant; and
- (e) A designation of the Secretary of State as agent for purposes of service of process and for receipt of first class mail, legal documents, and certified mail.

- (3) Applications shall be filed with the Office of the Secretary of State. Applicants may choose to consult with an application assistant for assistance with the application process or apply online directly through the portal designated by the Secretary of State.
- (4) Upon the filing of a properly completed application, the Secretary of State shall certify the applicant as a program participant if the applicant is not required to register as a sex offender or is not otherwise prohibited from participating in the program.
- (5) Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall send notification of an expiring certification and a renewal form to a program participant at least four (4) weeks prior to the expiration of the program participant's certification. The renewal need only be signed by the applicant and need not be made before an application assistant. The Secretary of State shall promulgate an administrative regulation to establish a renewal procedure.
- (6) A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant, or the minor or incompetent person on whose behalf the application is made, or household members residing with the applicant, or who knowingly provides false or incorrect information upon making an application may be found guilty of a violation of KRS 523.030.
- (7) The addresses of individuals applying for entrance into the Safe at Home Program and the addresses of those certified as program participants shall be exempt from disclosure under the Kentucky Open Records Act, KRS 61.870 to KRS 61.884. An agency may not require the program participant to submit any new address that could be used to physically locate the participant. When creating a new public record, state and local agencies shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State has determined that:
  - (a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and
  - (b) This address will be used only for those statutory and administrative purposes.
- (8)
  - (a) As part of the application process established by the Secretary of State pursuant to subsections (1) and (2) of this section, an applicant may request that state or local agencies be notified that an applicant has been certified and enrolled in the Safe at Home Program.
  - (b)
    1. The Secretary of State shall provide to such agencies the address that has been designated by the Secretary of State to serve as the mailing address of the participant;
    2. Agencies receiving such notification from the Secretary of State shall change any existing records to reflect the new address submitted under subparagraph 1. of this paragraph;
    3. Notifications under this section shall not affect residency designations; and
    4. Subparagraph 2. of this paragraph shall not apply to paper records if such records are more than five (5) years old and would be under the normal course of business maintained or archived in the event of an address change.
- (9) Except as provided for in subsection (10) of this section, if a program participant has notified a person in writing that he or she is a program participant, that person shall not knowingly disclose the program participant's:
  - (a) Name;
  - (b) Home address;
  - (c) Work address; or
  - (d) School address.
- (10) Any person to whom a program participant has provided written notification that he or she is a program participant may knowingly disclose the program participant's name, and home, work, or school address if that person also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home, work, or school address, for the purpose for which the disclosure will be made.

- (11) A program participant shall notify the Office of the Secretary of State of a change of address within fourteen (14) days of the change of address.
- (12) The Secretary of State shall provide verification of an individual's enrollment in the Safe at Home Program, as well as a personalized Safe at Home Program card. The Safe at Home Program verification card shall contain the participant's name, substitute address as designated by the Secretary of State, and any additional information as determined necessary to include by the Secretary of State.
- (13) Any person relocating or doing business in the Commonwealth of Kentucky who is a participant in a program in another state that is similar to the Safe at Home Program shall be deemed approved for inclusion in the Commonwealth of Kentucky's program for one (1) year. The Secretary of State shall promulgate administrative regulations establishing procedures necessary to recognize similar programs from outside the Commonwealth of Kentucky and enroll their participants. The following exceptions shall apply:
  - (a) If the person is temporarily residing in the Commonwealth of Kentucky, he or she shall be considered a participant in the Safe at Home Program as long as he or she continues participation in such a program of a home state; or
  - (b) If the person is not residing in the Commonwealth of Kentucky but is doing business or engaged in other transactions there, the person shall be considered a participant in the Safe at Home Program as long as he or she continues to participate in a similar program in his or her state of residence.

➔Section 8. KRS 118.125 is amended to read as follows:

- (1) Except as provided in KRS 118.155, any person who is qualified under the provisions of KRS 116.055 to vote in any primary for the candidates for nomination by the party at whose hands he or she seeks the nomination, shall have his or her name printed on the official ballot of his or her party for an office to which he or she is eligible in that primary, upon filing, with the Secretary of State or county clerk, as appropriate, at the proper time, a notification and declaration.
- (2) The notification and declaration shall be in the form prescribed by the State Board of Elections. It shall be signed by the candidate and by not less than two (2) registered voters, who at the time of signing are of the same party as the candidate and from the district or jurisdiction from which the candidate seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The notification and declaration for a candidate shall include the following oath:

"For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my date of birth is ----- (month/day/year), that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter; that I believe in the principles of the ----- Party, and intend to support its principles and policies; that I meet all the statutory and constitutional qualifications for the office which I am seeking; that if nominated as a candidate of such party at the ensuing election I will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if finally elected I will qualify for the office."

The declaration shall be subscribed and sworn to before an officer authorized to administer an oath by the candidate and by the two (2) voters making the declaration and signing the candidate's petition for office. ***The two (2) voters making the declaration and signing the candidate's petition for office shall not be participants in the Safe at Home Program under KRS 14.300 to 14.318. However, the signature of a Safe at Home Program participant shall not invalidate the candidate's filing, shall not disqualify the candidate from appearing on the ballot, and shall not constitute grounds for challenging the candidate's nomination or election.***

- (3) When the notice and declaration has been filed with the Secretary of State or county clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State or county clerk, as appropriate, shall have the candidate's name printed on the ballot according to the provisions of this chapter, except as provided in KRS 118.185.

- (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.

➔Section 9. KRS 118A.060 is amended to read as follows:

- (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot, including an absentee ballot, for an office of the Court of Justice without first having been nominated as provided in this section.
- (2) Each candidate for nomination shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Friday following the first Monday in January preceding the day fixed by law for holding the primary for the office. The petition shall be sworn to before an officer authorized to administer an oath by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination. ***The two (2) voters making the declaration and signing the candidate's petition for office shall not be participants in the Safe at Home Program under KRS 14.300 to 14.318. However, the signature of a Safe at Home Program participant shall not invalidate the candidate's filing, shall not disqualify the candidate from appearing on the ballot, and shall not constitute grounds for challenging the candidate's nomination or election.*** Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.
- (3)
  - (a) The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.
  - (b) The Secretary of State shall certify the exact spelling and form of the name of the candidate to be printed on all ballots in accordance with the requirements listed in KRS 118.129.
- (4) The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing. The order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in this section and in KRS 83A.045 and 118.165.
- (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and after the order of names on the ballot has been determined as required in subsection (4) of this section, the Secretary of State shall:
  - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as specified in the petitions for nomination filed with him or her; and
  - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- (6) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State.
- (7) The county clerks of each county shall cause to be printed on the ballots for the primary the names of the candidates for offices in the Court of Justice.
- (8) The names of the candidates shall be placed on the ballots in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot." The words "Vote for one," or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division if divisions exist, and the candidates shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on the ballots.

- (9) The two (2) candidates receiving the highest number of votes for nomination for justice or judge of a district or circuit, or numbered division if divisions exist, shall be nominated. Certificates of nomination shall be issued as provided in KRS 118A.190.
- (10) If it appears after expiration of the time for filing petitions for nomination that there are not more than two (2) candidates who have filed the necessary petitions for a place on the ballot in the regular election, no drawing for ballot position shall be held and the Secretary of State shall immediately issue and file in the Secretary's office certificates of nomination, and send copies to the candidates.

➔Section 10. Sections 6 to 9 of this Act take effect January 1, 2027.

**Became law without Governor's signature April 12, 2026.**