

806 KAR 39:030. Kentucky No-Fault Rejection Form.

RELATES TO: KRS 304.39-060

STATUTORY AUTHORITY: KRS 304.2-110, 304.39-300

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 provides that the commissioner of the Department of Insurance may promulgate administrative regulations necessary for or as an aid to the effectuation of any provisions of the Kentucky Insurance Code. KRS 304.39-060 requires the Department of Insurance to prescribe a form whereby any person may reject limitations on his or her tort rights and liabilities. This administrative regulation establishes the Kentucky No-Fault Rejection Form and provides for its electronic submission.

Section 1. Rejection. Any person may refuse to consent to the limitation of his or her tort rights and liabilities by filing with the Department of Insurance a Kentucky No-Fault Rejection Form.

Section 2. Submitting the Kentucky No-Fault Rejection Form.

(1) Members of the same household may indicate rejections on the same form, but each household member shall execute the form on his or her own behalf unless under legal disability, or a minor under eighteen (18) years of age. The policyholder shall:

(a) Mail the original and one (1) copy of the form to the Department of Insurance; or

(b) Submit the form electronically using the online version of the "Kentucky No-Fault Rejection Form," available on the department's Web site at <http://insurance.ky.gov>.

(2) Upon receipt of the properly completed form, the department shall provide the policyholder a file-stamped electronic or hard copy for his or her records.

(3) A rejection is effective upon the date of filing with the department as indicated by the department file stamp and remains effective unless superseded by the filing of a subsequent rejection form.

(4) A rejection may be revoked by submitting a Kentucky No-Fault Rejection Form and selecting the revocation option.

Section 3. Legal Disability or a minor. Where a guardian or conservator has been appointed for a person under a legal disability, the guardian or conservator shall execute the rejection form on behalf of the person. A rejection for a minor under eighteen (18) years of age shall be executed by a parent, if there is no guardian or conservator. A rejection executed by a parent, guardian, or conservator is valid only so long as the individual is under legal disability, which includes a minor under eighteen (18) years of age.

Section 4. Notice to insurer. Each policyholder or insured submitting the Kentucky No-Fault Rejection Form shall send to his or her insurance company a file stamped copy of any rejection form filed with the Department of Insurance.

Section 5. Incorporation by Reference.

(1) NF-1(a)(b)(c) P and C, "Kentucky No-Fault Rejection Form" (12/17), is incorporated by reference.

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Department of Insurance Web site: <http://insurance.ky.gov>

(1 Ky.R. 879; eff. 5-14-75; Am. 27 Ky.R. 1498; 2158; eff. 2-15-2001; TAm eff. 8-9-2007; 44 Ky.R. 1149, 1527; eff. 2-2-2018.)