

304.39-050 Priority of applicability of security for payment of basic reparation benefits.

- (1) The basic reparation insurance applicable to bodily injury to which this subtitle applies is the security covering the vehicle occupied by the injured person at the time of the accident or, if the injured person is a pedestrian, the security covering the vehicle which struck such pedestrian. If the reparation obligor providing such insurance fails to make payment for loss within thirty (30) days after receipt of reasonable proof of the fact and the amount of loss sustained, the injured person shall be entitled to payment under any contract of basic reparation insurance under which he is a basic reparation insured and the insurer making such payments shall be entitled to full reimbursement from the reparation obligor providing the security covering the vehicle. A pedestrian, as used herein, means any person who is not making "use of a motor vehicle" at the time his injury occurs.
- (2) If there is no security covering the vehicle, any contract of basic reparation insurance under which the injured person is a basic reparation insured shall apply.
- (3) No person shall recover basic reparation benefits from more than one (1) reparation obligor as a result of the same accident, except as provided in KRS 304.39-140(4), nor in excess of ten thousand dollars (\$10,000) as the result of the same accident.

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History: Amended 1978 Ky. Acts ch. 215, sec. 2, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 385, sec. 5, effective July 1, 1975.