

436.009 Waiver and estoppel of right to bring civil action are void.

- (1) A waiver, purported waiver, or estoppel of a person's right to bring a civil action under KRS 436.002 or 436.004, or of any remedy or any other protection provided by KRS 436.001 to 436.009, shall be void and unenforceable as against public policy, and a court or arbitrator shall not enforce or give effect to any waiver or estoppel, notwithstanding any choice-of-law or other provision in any contract or other agreement.
- (2) The waiver and estoppel prohibition under subsection (1) of this section:
 - (a) Shall not apply to contractual waivers to the extent any application of the prohibition would impair the obligation of contract in violation of the Constitution of Kentucky or the Constitution of the United States;
 - (b) Is a public policy limitation on contractual and other waivers or estoppels; and
 - (c) Shall be enforced to the full extent permitted by the Constitution of Kentucky and the Constitution of the United States.
- (3) Any contract, agreement, or arrangement made or entered in violation of KRS 436.001 to 436.009 shall be void and unenforceable as against public policy.

Effective: July 15, 2024

History: Created 2024 Ky. Acts ch. 106, sec. 18, effective July 15, 2024.