

411.294 Rebuttable presumption in action against contracting entity that prohibited conduct was substantial factor. (Effective July 15, 2026)

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 189.292 or 189A.010; 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.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 97, sec. 3, effective July 15, 2026.