

1 AN ACT relating to statutes of limitations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 337.385 is amended to read as follows:

4 (1) Except as provided in subsection (3) of this section, any employer who pays any
5 employee less than wages and overtime compensation to which such employee is
6 entitled under or by virtue of KRS 337.020 to 337.285 shall be liable to such
7 employee affected for the full amount of such wages and overtime compensation,
8 less any amount actually paid to such employee by the employer, for an additional
9 equal amount as liquidated damages, and for costs and such reasonable attorney's
10 fees as may be allowed by the court.

11 (2) If, in any action commenced to recover such unpaid wages or liquidated damages,
12 the employer shows to the satisfaction of the court that the act or omission giving
13 rise to such action was in good faith and that he or she had reasonable grounds for
14 believing that his or her act or omission was not a violation of KRS 337.020 to
15 337.285, the court may, in its sound discretion, award no liquidated damages, or
16 award any amount thereof not to exceed the amount specified in this section. Any
17 agreement between such employee and the employer to work for less than the
18 applicable wage rate shall be no defense to such action. Such action may be
19 maintained in any court of competent jurisdiction by any one (1) or more
20 employees for and in behalf of himself, herself, or themselves.

21 (3) If the court finds that the employer has subjected the employee to forced labor or
22 services as defined in KRS 529.010, the court shall award the employee punitive
23 damages not less than three (3) times the full amount of the wages and overtime
24 compensation due, less any amount actually paid to such employee by the
25 employer, and for costs and such reasonable attorney's fees as may be allowed by
26 the court, including interest thereon.

27 (4) At the written request of any employee paid less than the amount to which he or she

1 is entitled under the provisions of KRS 337.020 to 337.285, the commissioner may
2 take an assignment of such wage claim in trust for the assigning employee and may
3 bring any legal action necessary to collect such claim, and the employer shall be
4 required to pay the costs and such reasonable attorney's fees as may be allowed by
5 the court. The commissioner in case of suit shall have power to join various
6 claimants against the same employer in one (1) action.

7 **(5) Any court or administrative action under any provision of this chapter, not**
8 **otherwise subject to an express period of limitations, shall be commenced within**
9 **two (2) years after the cause of action accrued, except that a cause of action**
10 **arising out of a willful violation shall be commenced within three (3) years after**
11 **the cause of action accrued.**

12 ➔Section 2. KRS 413.125 is amended to read as follows:

13 **The following actions shall be commenced within two (2) years after the cause of**
14 **action accrued:**

15 **(1) An action for the taking, detaining, or injuring of personal property, including an**
16 **action for specific recovery;**

17 **(2) An action against an employer for wrongful discharge in violation of public**
18 **policy; and**

19 **(3) An action for a violation of KRS Chapter 344** ~~shall be commenced within two (2)~~
20 ~~years from the time the cause of action accrued].~~