

1 AN ACT relating to insurance disclosures to dog bite and dog attack victims.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Claim" means a claim for damages resulting from a dog bite or dog*
7 *attack;*

8 *(b) "Claimant" means a person alleging entitlement to damages resulting from*
9 *a dog bite or dog attack; and*

10 *(c) "Written request" means a written request that:*

11 *1. Sets forth:*

12 *a. The specific nature of each claim being made by the claimant;*

13 *b. A request for the information required under this section; and*

14 *c. The contact information for replying to the claimant or the*
15 *claimant's attorney; and*

16 *2. Is delivered through the United States Postal Service, a common*
17 *carrier, or other third-party delivery service in a manner that produces*
18 *a return receipt or other proof of delivery from the third-party service*
19 *or carrier.*

20 *(2) Except as provided in subsection (4) of this section, within thirty (30) days of*
21 *receiving a written request from a claimant or a claimant's attorney, any dog*
22 *owner or other person that is alleged by the claimant to be liable for damages*
23 *resulting from a dog bite or dog attack shall:*

24 *(a) Disclose, in writing, to the claimant or the claimant's attorney:*

25 *1. The name of each known insurer that provides or may provide liability*
26 *or casualty insurance coverage, including excess or umbrella*
27 *insurance coverage, to the owner or person; and*

1 2. Whether the owner or person is self-insured, in whole or in part; and
2 (b) Forward the written request to all insurers named under paragraph (a)1. of
3 this subsection.

4 (3) (a) 1. An insurer shall comply with paragraph (b) or (c) of this subsection if:
5 a. The insurer receives a written request from a dog owner or other
6 person under subsection (2)(b) of this section;
7 b. The insurer receives both of the following from a claimant or a
8 claimant's attorney:
9 i. A written request; and
10 ii. The disclosure provided to the claimant or the claimant's
11 attorney under subsection (2)(a)1. of this section that
12 identifies the insurer; or
13 c. Both of the following are satisfied:
14 i. The insurer receives a written request from a claimant or a
15 claimant's attorney; and
16 ii. The insurer provides or may provide liability or casualty
17 insurance coverage, including excess or umbrella
18 insurance coverage, to a dog owner or other person
19 identified in the written request received under subpart i. of
20 this subdivision.

21 2. Except as provided in subsection (4) of this section, the insurer shall
22 comply with paragraph (b) or (c) of this subsection within thirty (30)
23 days of the earliest request received under subparagraph 1. of this
24 paragraph.

25 (b) 1. Except as provided in paragraph (c) of this subsection, an insurer
26 required to comply with this paragraph shall provide the following to
27 the claimant or the claimant's attorney for each known insurance

1 policy or contract that provides or may provide liability or casualty
2 insurance coverage, including excess or umbrella insurance coverage,
3 for the claimant's claim or claims:

4 a. The name of the insurer;

5 b. The name of each insured; and

6 c. The limits of coverage.

7 2. The information required under subparagraph 1. of this paragraph
8 shall be provided in a written statement that is:

9 a. Taken under oath; and

10 b. Signed by a corporate officer or the insurer's claims manager.

11 (c) In lieu of complying with paragraph (b) of this subsection, an insurer may
12 provide a claimant or a claimant's attorney a copy of the declaration page of
13 each known insurance policy or contract that provides or may provide
14 liability or casualty insurance coverage, including excess or umbrella
15 insurance coverage, for the claimant's claim or claims.

16 (4) (a) If a dog owner, other person, or insurer receives a written request that does
17 not contain sufficient information to allow the owner, person, or insurer to
18 provide the information required under this section, the owner, person, or
19 insurer shall, within five (5) business days of receipt of the written request,
20 provide written notice to the claimant or claimant's attorney that:

21 1. There is not sufficient information in the written request to allow
22 compliance with this section; and

23 2. States, specifically, what additional information is necessary to allow
24 compliance with this section.

25 (b) The time period for providing information under this section shall be tolled
26 until the dog owner, other person, or insurer receives sufficient information
27 to allow the owner, person, or insurer to provide the information required

1 under this section.

2 (5) (a) A dog owner, other person, or insurer shall amend any information
3 provided under this section that is incorrect or incomplete.

4 (b) The amendment shall be provided in writing to the claimant or the
5 claimant's attorney not later than five (5) business days after discovery of
6 the error or missing information.

7 (6) The disclosure of information by an owner, other person, or insurer to a claimant
8 or a claimant's attorney under this section shall not be construed:

9 (a) As a waiver of any defenses to coverage that may be available to the insurer;

10 (b) As an acceptance or admission of liability; or

11 (c) To waive Rule 411 of the Kentucky Rules of Evidence or any other
12 relevancy standard or rule of admissibility.

13 ➔SECTION 2. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304
14 IS CREATED TO READ AS FOLLOWS:

15 All insurers, and other persons subject to regulation under this chapter, shall comply
16 with Section 1 of this Act.