

1 AN ACT relating to legal liability for local governments.

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

3 ➔Section 1. KRS 411.100 is amended to read as follows:

4 **(1) As used in this section, "local government" means any city, county, charter**
 5 **county government, urban-county government, consolidated local government, or**
 6 **unified local government.**

7 **(2)** If, within any **local government**_[city], any church, convent, chapel, dwelling house,
 8 house used or designed for the transaction of lawful business, vessel or shipyard,
 9 railroad or property of any kind belonging to any street or other railroad company,
 10 or any article of personal property is damaged, or if any property is taken away or
 11 damaged by any riotous or tumultuous assemblage of people, the full amount of the
 12 damage done may be recovered by the person injured by action against the **local**
 13 **government**_[city], if the **local government**_[city authorities] themselves, or with the
 14 aid of their own citizens, could have prevented the damage.

15 **(3)** However, no such liability shall be incurred by the **local government**_[city] unless
 16 the **local government**_[city authorities] had notice or good reason to believe that a
 17 riot or tumultuous assemblage was about to take place in time to prevent the
 18 destruction, either by their own force or by the aid of the citizens of the city.

19 **(4)** No person may maintain an action under this section if he **or she** has unlawfully
 20 contributed by word or deed toward exciting or inflaming the tumult or riot, or if he
 21 **or she** failed to do what he **or she** reasonably could toward preventing, allaying, or
 22 suppressing it.

23 ➔Section 2. KRS 411.110 is amended to read as follows:

24 **(1) As used in this section, "local government" means any city, county, charter**
 25 **county government, urban-county government, consolidated local government, or**
 26 **unified local government.**

27 **(2)** No action shall be maintained against any **local government**_[city] in this state

1 because of any injury growing out of any defect in the condition of any bridge,
2 street, sidewalk, alley or other public thoroughfare, unless notice has been given to
3 the local government~~[mayor, city clerk or clerk of the board of aldermen]~~ in the
4 manner provided for the service of notice in actions in the Rules of Civil Procedure.
5 This notice shall be filed within ninety (90) days of the occurrence for which
6 damage is claimed, stating the time of and place where the injury was received and
7 the character and circumstances of the injury, and that the person injured will claim
8 damages therefor from the city.