Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 845
Bill #: SB 104
Document ID #: 1840
Bill Title: AN ACT relating to insurance disclosures to dog bite and dog attack victims.
Sponsor: Senator David Yates
Unit of Government: X City X County X Urban-County Unified Local Image: County Image: County
$\underline{\mathbf{X}}$ Charter County $\underline{\mathbf{X}}$ Consolidated Local $\underline{\mathbf{X}}$ Government
Office(s) Impacted: Fiscal court
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 104 applies to dog owners and persons alleged to be liable for damages resulting from a dog bite or dog attack and their insurers. On written request from a dog bite/attack claimant or their attorney, the owner or person alleged liable must within 30 days disclose the name of each known insurer that does or may provide insurance coverage to the owner or person alleged liable, and whether the owner or person alleged liable is self-insured. The owner or person alleged liable must forward the written request to all insurers named as providing such coverage.

If an insurer receives a written request from an owner or person alleged liable (or from their attorney), or from a claimant or their attorney, the insurer must provide required information to the claimant or claimant's attorney within 30 days, in writing, under oath and signed by a corporate officer or claims manager. Alternatively, the insurer may provide a copy of the declarations page of each insurance policy or contract that would provide coverage for the claim.

If the written request of the claimant or their attorney does not contain sufficient information to allow the owner, person alleged liable, or insurer to provide the required information, they shall have 5 business days to provide written notice to the claimant or their attorney that there is not sufficient information to allow compliance with the Act. Time for the insurer to provide the required information would be tolled until the dog owner, other person alleged liable, or insurer receives the required information.

Disclosure of the required information would not constitute a waiver of any defense or an admission of liability.

SB 104 would have no fiscal impact on cities that own or control dogs. According to the Kentucky League of Cities, insurance policies currently held by cities provide coverage for dog bites or dog attacks. KLC characterizes the 30 days a city would have to provide required information to a claimant as a "brief" turnaround and believes it could impose an additional administrative burden on cities; however, there is no indication the burden would be such as to require hiring additional personnel or result in an additional cost to cities.

Input for this analysis was sought from Kentucky Association of Counties (KACO). If input is received from KACO this analysis may be amended.

Data Source(s): <u>Kentucky League of Cities; LRC staff</u>

Preparer: Mary Stephens (BW) Reviewer: KHC Date:	1/17/24
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