

1 AN ACT relating to civil actions.

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

3 ➔Section 1. KRS 411.188 is amended to read as follows:

- 4 (1) This section shall apply to all actions for damages, whether in contract or tort,
5 commenced after July 15, 1988.
- 6 (2) At the commencement of an action seeking to recover damages, it shall be the duty
7 of the plaintiff or his or her attorney to notify, by certified mail, those parties
8 believed by him or her to hold subrogation rights to any award received by the
9 plaintiff as a result of the action. The notification shall state that a failure to assert
10 subrogation rights by intervention, pursuant to Kentucky Civil Rule 24, will result
11 in a loss of those rights with respect to any final award received by the plaintiff as a
12 result of the action.
- 13 (3) Collateral source payments, except life insurance, the value of any premiums paid
14 by or on behalf of the plaintiff for same, and known subrogation rights shall be an
15 admissible fact in any civil trial.
- 16 (4) A certified list of the parties notified pursuant to subsection (2) of this section shall
17 also be filed with the clerk of the court at the commencement of the action.