

342.165 Increase or decrease in compensation for failure to comply with safety law -- Compensation not payable if employee falsely represents physical condition or medical history at time of employment.

- (1) If an accident is caused in any degree by the intentional failure of the employer to comply with any specific statute or lawful administrative regulation made thereunder, communicated to the employer and relative to installation or maintenance of safety appliances or methods, the compensation for which the employer would otherwise have been liable under this chapter shall be increased thirty percent (30%) in the amount of each payment. If an accident is caused in any degree by the intentional failure of the employee to use any safety appliance furnished by the employer or to obey any lawful and reasonable order or administrative regulation of the commissioner or the employer for the safety of employees or the public, the compensation for which the employer would otherwise have been liable under this chapter shall be decreased fifteen percent (15%) in the amount of each payment.
- (2) No compensation shall be payable for work-related injuries if the employee at the time of entering the employment of the employer by whom compensation would otherwise be payable falsely represents, in writing, his or her physical condition or medical history, if all of the following factors are present:
 - (a) The employee has knowingly and willfully made a false representation as to his or her physical condition or medical history;
 - (b) The employer has relied upon the false representation, and this reliance was a substantial factor in the hiring; and
 - (c) There is a causal connection between the false representation and the injury for which compensation has been claimed.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1794, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 514, sec. 38, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 181, Part 13, sec. 62, effective April 4, 1994. -- Amended 1972 Ky. Acts ch. 78, sec. 26. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4910.