

342.790 Award against noncomplying employer as a liquidated claim for damages -- Action by Attorney General for uninsured employers' fund.

When an award is made against an employer who:

- (1) Has not secured payment of compensation by either securing insurance coverage or qualifying as a self-insurer; and
- (2) Has not made a deposit of security, indemnity, or bond acceptable to the commissioner to secure the payment of compensation liability; and
- (3) Has failed to make payment of compensation according to the terms of that award, the award shall constitute a liquidated claim for damages against that employer in an amount commuted to a lump sum which will equal the present value of the total sum of the probable future payments discounted at four percent (4%) true discount compounded annually on each payment, which amount is to be ascertained and fixed by the commissioner, and the commissioner shall certify the same to the Attorney General who shall forthwith institute a civil action against that employer in the name of the uninsured employers' fund for the collection of that award. In that action, it shall be sufficient for plaintiff to set forth a copy of the award of the administrative law judge relative to the claim as certified by the commissioner and to state that there is due to plaintiff on account of the opinion, order, or award of the administrative law judge a specified sum which plaintiff claims with interest. A certified copy of the award in the claim shall be attached to the complaint and shall constitute prima facie evidence of the truth of the facts therein contained.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1850, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 514, sec. 35, effective July 14, 2000. -- Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 69, effective December 12, 1996. -- Amended 1994 Ky. Acts ch. 181, Part 15, sec. 98, effective April 4, 1994. -- Amended 1987 (1st. Extra. Sess.) Ky. Acts ch. 1, sec. 59, effective January 4, 1988. -- Created 1976 Ky. Acts ch. `160, sec. 3.