

411.051 Libel actions against newspaper, magazine, or periodical -- Demand for and publication of correction -- Effect.

- (1) In any action for damages for the publication of a defamatory statement in a newspaper, magazine, or periodical, the defendant shall be liable for actual damages sustained by plaintiff. The defendant may plead the publication of a correction in mitigation of damages. Punitive damages may be recovered only if the plaintiff shall allege and prove publication with legal malice and that the newspaper, magazine, or periodical failed to make conspicuous and timely publication of a correction after receiving a sufficient demand for correction.
- (2) A "sufficient demand for correction" is a demand for correction which is in writing; which is signed by the plaintiff or his duly-authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the facts; and which is delivered to the defendant prior to the commencement of the action.
- (3) A "correction" is either:
 - (a) The publication of an acknowledgment that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous; or
 - (b) The publication, in a fair and impartial manner as a matter of law, of the plaintiff's statement of the facts (as set forth in his demand for correction) or a fair summary thereof, exclusive of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication.

If the demand for correction has specified two (2) or more statements as false and defamatory, the correction may deal with some of such statements pursuant to (a) above and with other of such statements pursuant to (b) above.

- (4) A "conspicuous publication" in a newspaper is a publication which is printed in substantially as conspicuous a manner as the statement or statements specified as false and defamatory in the demand for correction.
- (5) A "timely publication" in a daily newspaper is a publication within ten (10) business days after the day on which a sufficient demand for correction is received by the defendant. A "timely publication" in a newspaper, magazine, or periodical other than a daily newspaper is a publication in or prior to the next regular issue which is published not less than ten (10) business days after the day on which a sufficient demand for correction is received by the defendant.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 202, sec. 3, effective July 15, 1996. -- Created 1964 Ky. Acts ch. 66, sec. 1.