

**367.93109 Immunity from liability for actions based on good-faith reliance on a declaration.**

- (1) A person who acts in good-faith reliance on a declaration is immune from liability to the same extent as if the person had dealt directly with the declarant and the declarant had been a competent and living person.
- (2) A person who deals with a declaration may presume, in the absence of actual knowledge to the contrary, that:
  - (a) The declaration was validly executed and has not been revoked; and
  - (b) The declarant was competent at the time the declaration was executed.
- (3) The directions of a declarant expressed in a declaration are binding as if the declarant were alive and competent.
- (4) A crematory authority, licensed funeral director, or cemetery acting pursuant to the terms of a declaration shall not be held liable for good-faith reliance on representations made in the declaration.

**Effective:** July 15, 2016

**History:** Created 2016 Ky. Acts ch. 59, sec. 5, effective July 15, 2016.