

49.040 Exclusive jurisdiction of Board of Claims -- Limitation on damage awards -- Hearing officers -- Official records -- Agreed judgment or dismissal if settlement reached.

- (1) Regardless of any provision of law to the contrary, the jurisdiction of the Board of Claims is exclusive, and a single claim for the recovery of money or a single award of money shall not exceed two hundred fifty thousand dollars (\$250,000), exclusive of interest and costs. However, if a single act of negligence results in multiple claims, the total award may not exceed four hundred thousand dollars (\$400,000), to be equitably divided among the claimants, but in no case may any claimant individually receive more than two hundred fifty thousand dollars (\$250,000).
- (2) Hearing officers, upon the direction of the board, the board chair, or the executive director of the Office of Claims and Appeals shall conduct hearings and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the board, the board chair, or the executive director of the Office of Claims and Appeals, except that such hearing officers shall not render final decisions, orders, or awards. However, such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.
- (3) The board shall maintain the official record of the claim, including evidence entered into the record at a hearing on the claim, and the final action taken on each claim. All records of proceedings shall be public records.
- (4) Upon recommendation to the board by the attorney for the Commonwealth, its cabinet, department, bureau, agency, or employee thereof, that a settlement has been reached between the parties to the claim, and upon approval by the board that the settlement is reasonable for all parties concerned, an agreed judgment or dismissal may be entered accordingly, even without a party's admission to liability.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 185, sec. 15, effective June 29, 2021. -- Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 4, effective June 29, 2017. -- Amended 2000 Ky. Acts ch. 304, sec. 4, effective July 14, 2000. -- Amended 1986 Ky. Acts ch. 279, sec. 1, effective July 15, 1986; and ch. 499, sec. 3, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 15, sec. 1, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 326, sec. 2. -- Amended 1972 Ky. Acts ch. 234, sec 1. -- Amended 1960 Ky. Acts ch. 25, sec. 1. -- Amended 1958 Ky. Acts ch. 52, sec. 1. -- Amended 1956 (1st Extra. Sess.) Ky. Acts ch. 7, Art XIII, sec. 1. -- Amended 1950 Ky. Acts ch. 50, sec. 1. -- Created 1946 Ky. Acts ch. 189, secs. 1 and 3, par. 1.

Formerly codified as KRS 44.070.

Formerly codified as KRS 176.290