

342.770 Determination of employer's compliance -- Recording certificate constituting a lien in favor of uninsured employer's fund.

- (1) Upon the filing of a claim the commissioner shall ascertain whether the employer, or any other person against whom a claim is filed and who is not exempt by KRS 342.630 or 342.650, has secured payment of compensation by either securing insurance coverage or qualifying as a self-insurer pursuant to KRS 342.340. Upon determination that any employer under this chapter has failed to comply with the provisions of KRS 342.340, the commissioner shall record, as provided by subsection (2) of this section, a certificate prepared and furnished him or her by the general counsel showing the date on which such claim was filed, the date of the injury alleged, the name and last known address of the employer against whom it was filed, and the fact that the employer has not secured the payment of compensation as required. Upon recordation, such certificate constitutes a valid lien against the assets of the employer in favor of the uninsured employers' fund for the whole amount which may be due as compensation. Such lien shall be superior to the lien of any mortgage or other encumbrance thereafter created and shall continue for ten (10) years from the time of such recording, unless sooner released or otherwise discharged. A copy of such certificate shall be served upon the employer by the commissioner.
- (2) The certificate constituting a lien in favor of the uninsured employers' fund shall be filed in the following offices:
 - (a) The office of the county clerk of the county in which the defendant employer resides.
 - (b) The office of the county clerk of the county in which the defendant employer has its principal place of business.
 - (c) The office of the county clerk in the counties where such employer's property is located.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1849, effective July 15, 2010. -- Amended 1987 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 57, effective January 4, 1988. -- Amended 1978 Ky. Acts ch. 384, sec. 486, effective June 17, 1978. -- Created 1976 Ky. Acts ch. 160, sec. 1.