

**411.188 Notification of parties holding subrogation rights -- Collateral source payments and subrogation rights admissible.**

- (1) This section shall apply to all actions for damages, whether in contract or tort, commenced after July 15, 1988.
- (2) At the commencement of an action seeking to recover damages, it shall be the duty of the plaintiff or his attorney to notify, by certified mail, those parties believed by him to hold subrogation rights to any award received by the plaintiff as a result of the action. The notification shall state that a failure to assert subrogation rights by intervention, pursuant to Kentucky Civil Rule 24, will result in a loss of those rights with respect to any final award received by the plaintiff as a result of the action.
- (3) Collateral source payments, except life insurance, the value of any premiums paid by or on behalf of the plaintiff for same, and known subrogation rights shall be an admissible fact in any civil trial.
- (4) A certified list of the parties notified pursuant to subsection (2) of this section shall also be filed with the clerk of the court at the commencement of the action.

**Effective:** July 15, 1988

**History:** Created 1988 Ky. Acts ch. 224, sec. 4, effective July 15, 1988.