

422.132 Presumption of death following catastrophic event -- Declaration -- Death certificate -- Attorney General.

- (1) A resident or nonresident of this Commonwealth who is exposed to a specific event which has been declared a disaster or emergency pursuant to KRS Chapter 39A and which is certified by the Governor as a catastrophic event that has resulted in the loss of life to persons known or unknown and whose absence following that event is not satisfactorily explained after diligent search or inquiry is presumed to be dead. The death is presumed to have occurred at the time of the catastrophic event.
- (2) A District Court may declare the absent person dead, if it is satisfied that the absentee should be presumed dead under the provisions of subsection (1) of this section. A declaration with respect to a nonresident shall affect only property located within the Commonwealth.
- (3) At the request of an applicant who has obtained a declaration based upon subsection (1) of this section, the court shall order the registrar of vital statistics to issue, at no cost to the applicant, a death certificate. The state registrar may indicate on the certificate that it was issued to court order in accordance with this section.
- (4) The Attorney General may initiate or intervene in any proceedings or action brought pursuant to this section, including a class action law suit, on behalf of the citizens of the Commonwealth to seek a declaration of death of an absentee under subsection (1) of this section.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 57, sec. 1, effective July 15, 2002.