

278.440 Evidence to be heard by court -- Remand.

Any action brought under KRS 278.410 shall be heard and decided by the court upon the evidence submitted to the commission as shown by the record, and no other evidence shall be received. If any party satisfies the court that evidence has been discovered since the hearing before the commission that could not have been obtained for use at that hearing by the exercise of reasonable diligence and will materially affect the merits of the case, the court may remand the record and proceedings to the commission, with directions to take the newly-discovered evidence, and after consideration thereof, enter and file a proper order, which may be reviewed in the same manner as any other final order of the commission.

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 149, sec. 2, effective July 13, 1990; and ch. 354, sec. 3, effective July 13, 1990. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3952-47, 3952-50.

Legislative Research Commission Note. (7/13/90). This section was amended by identical amendments in two 1990 Acts, which have been compiled together.