

304.13-161 Review of application of rating system to an insured -- Appeal to commissioner -- Notification of review rights to workers' compensation insureds.

- (1) Every insurer or advisory organization shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard on written request to review the manner in which the rating system has been applied. If the insurer or advisory organization grants the request, the review shall be conducted within ninety (90) days of receiving the request. If the insurer or advisory organization fails to grant or rejects a request within thirty (30) days, the aggrieved person may proceed in the same manner as if the review produced no change in the application of the rate.
- (2) Any party affected by the action made on the request for review may within thirty (30) days of written notice of action appeal to the commissioner for further review of the application of the rating system. The commissioner shall hold a hearing in accordance with KRS Chapter 13B on a showing of good cause. The commissioner may after the hearing issue a final order affirming, modifying, or reversing the action of the insurer or advisory organization.
- (3) For workers' compensation coverage, each insurer or agent shall notify in writing each insured at the time a workers' compensation insurance policy is issued or renewed on or after May 1, 1997, of the insured's rights afforded by this section. The written notice required in this subsection shall apply only to workers' compensation insurers and shall be provided in the manner and format prescribed through administrative regulations promulgated by the commissioner.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1131, effective July 15, 2010. -- Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 51, effective December 12, 1996. -- Amended 1996 Ky. Acts ch. 318, sec. 234, effective July 15, 1996. -- Created 1982 Ky. Acts ch. 278, sec. 15, effective July 15, 1982.

Legislative Research Commission Note (12/12/96). In 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 51, a comma appeared after the word "issued" in the phrase "is issued or renewed on or after May 1, 1997," in subsection (3) of this statute. At other places where this same phrase appears in the Act, no comma appears at this point. See KRS 304.13-053(2) (sec. 49 of the Act) and 304.13-415(3) (sec. 52 of the Act). On its face, the result that would be caused by retaining this comma is illogical, and those involved in drafting this language have indicated that this result was not intended. It is a fundamental canon of construction "that the legislature [does] not intend an absurd result." *Commonwealth, Central State Hospital v. Gray, Ky.*, 880 S.W.2d 557, 559 (1994); see also *George v. Alcoholic Beverage Control Board, Ky.*, 421 S.W.2d 569 (1967). For these reasons, the specified comma in this statute has been omitted in codification as a manifest clerical or typographical error under KRS 7.136(1)(h).