

411.061 Actions against a radio or television broadcasting station for damages for publication of a defamatory statement -- Definitions.

- (1) In any action against a radio or television broadcasting station for damages for the publication of a defamatory statement by a visual or sound radio broadcast, the plaintiff shall recover no more than special damages unless he shall allege and prove that he made a sufficient demand for correction and that the radio or television broadcasting station failed to make conspicuous and timely publication of said correction.
- (2) A "sufficient demand for correction" is a demand for correction which is in writing; which is signed by the plaintiff or his duly authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the true facts; and which is delivered to the defendant prior to the commencement of the action.
- (3) A "correction" is either (a) the publication of an acknowledgment that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous, or (b) the publication of the plaintiff's statement of the true facts (as set forth in his demand for correction) or a fair summary thereof, exclusive of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication. If the demand for correction has specified two or more statements as false and defamatory, the correction may deal with some of such statements pursuant to (a) above and with other of such statements pursuant to (b) above.
- (4) A "conspicuous publication" in a visual or sound radio broadcast is a publication which is broadcast at substantially the same time of day, and with the same sending power, as the statement or statements specified as false and defamatory in the demand for correction. A publication in a particular manner which is agreeable to the plaintiff shall in any event be deemed "conspicuous."
- (5) A "timely publication" in a visual or sound radio broadcast is a publication within one business day after the day on which a sufficient demand for correction is received by the defendant. A "business day" is any day other than a Sunday or legal holiday. A publication on a particular day which is agreeable to the plaintiff shall in any event be deemed "timely."
- (6) "Special damages" are pecuniary damages which the plaintiff alleges and proves that he has suffered in respect to his property, business, trade, profession, or occupation (including such amounts of money as the plaintiff alleges and proves he has expended as a proximate result of the alleged defamation), and no other.

Effective: May 18, 1956

History: Created 1956 Ky. Acts ch. 43, sec. 1(1), effective May 18, 1956.