



MORRIN LAW OFFICE

Robert A. Morrin, Esq.
214 West Main Street
Richmond, KY 40475

Telephone: 859-358-0300
Fax: 859-972-0813
Rob@MorrinLawOffice.com

July 10 2020

Senator Jared Carpenter
702 Capital Ave
Annex Room 209
Frankfort, KY 40601

RE: Amending KRS 304.1-020, 304.1-040

Dear Senator Carpenter:

I write now to request that sponsor or co-sponsor a bill that would amend KRS 304.1-020, 304.1-040 to include self-insured entities within the purview of these statutes and the UCSPA to make certain claimants with legitimate claims are treated fairly and with the same care with which Kentucky law requires insurance companies to treat injured Kentuckians. In *Davidson v. Am. Freightways, Inc.*, 25 S.W. 3d 94 (2000), the Kentucky Supreme Court stretched their statutory interpretation to hold that the tort of “bad faith” only applies to persons or entities who are engaged in the business of insurance despite the statutory plain language to the contrary. The Honorable Justice Wintersheimer held a dissenting opinion and was joined by Justice Lambert and Justice Stumbo on the grounds of supporting “plain meaning” interpretation rules and the purpose of the UCSPA. Self-insurance is defined as “the practice of setting aside a fund to meet losses instead of insuring against such through insurance.” *Id.* This allows the company to act as its own insurance company. Companies should not be allowed to avoid legal compliance and common sense fairness simply because they set their own money aside for coverage instead of utilizing a traditional insurance company.

Under current judicial precedent, self-insured entities may delay their investigations until video footage of the plaintiff is automatically overwritten and important evidence of their negligence is destroyed without consequence. This leaves those who are injured to try and recover, physically and financially, without any recourse for the unfair treatment they have received by these “self-insured” entities and often their claims are drastically diminished or destroyed altogether because of this lack of accountability.

Sincerely,
/s/ Robert A. Morrin
Robert A. Morrin
RAM/aej