

**304.39-040 Obligation to pay basic reparation benefits -- Requirement of option for motorcycle coverage in liability contracts -- Exclusion of motorcycle operator or passenger who has not purchased optional coverage.**

- (1) Basic reparation benefits shall be paid without regard to fault.
- (2) Basic reparation obligors and the assigned claims plan shall pay basic reparation benefits, under the terms and conditions stated in this subtitle, for loss from injury arising out of maintenance or use of a motor vehicle. This obligation exists without regard to immunity from liability or suit which might otherwise be applicable.
- (3) Every insurer writing liability insurance coverage for motorcycles in this Commonwealth shall make available for purchase as a part of every policy of insurance covering the ownership, use, and operation of motorcycles the option of basic reparations benefits, added reparations benefits, uninsured motorist, and underinsured motorist coverages.
- (4) Notwithstanding any other provisions of this subtitle, no operator or passenger on a motorcycle is entitled to basic reparation benefits from any source for injuries arising out of the maintenance or use of such a motorcycle unless such reparation benefits have been purchased as optional coverage for the motorcycle or by the individual so injured.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 567, sec. 1, effective July 15, 1998. -- Amended 1976 Ky. Acts ch. 75, sec. 1 effective March 29, 1976. -- Created 1974 Ky. Acts ch. 385, sec. 4, effective July 1, 1975.