

**248.460 Liability of warehouseman for destruction of or damage to tobacco in storage.**

- (1) As used in this section:
  - (a) "Tobacco storage warehouseman" shall mean a person who is engaged in the business of long term storage of tobacco in a storage warehouse or related facility;
  - (b) "Owner" shall mean a person who has contracted or agreed with a tobacco storage warehouseman for the long term storage of tobacco;
  - (c) "Long term storage" and "tobacco in storage" shall mean the storage of redried tobacco, expressly excluding tobacco owned by a grower being held or stored in an auction warehouse by a warehouseman for the purpose of sale;
  - (d) "Grower" means a person who is a producer of tobacco, either by himself or by tenant, sharecropper or hired person;
  - (e) "Auction warehouse" means any tobacco warehouse operating as a place of sale for tobacco;
  - (f) "Warehouseman" means a person who is the owner, operator, manager, lessee or proprietor of a warehouse engaged in selling tobacco or his agents or employees;
  - (g) "Person" means any legal entity.
- (2) A tobacco storage warehouseman shall be liable to the owner for damages to or destruction of tobacco in storage due to the negligence of the tobacco storage warehouseman, his agents or employees. Evidence that the owner delivered tobacco to the tobacco storage warehouseman and that the tobacco was damaged or destroyed while stored with or in the care and custody of the tobacco storage warehouseman shall not be sufficient to create a presumption of negligence on the part of the tobacco storage warehouseman, or a prima facie case in favor of the owner.

**Effective:** June 17, 1978

**History:** Created 1978 Ky. Acts ch. 270, sec. 8, effective June 17, 1978.