

304.39-340 Unconstitutionality -- Invalidity -- Severability.

- (1) Except as provided in subsection (2), if any provisions of this subtitle or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby, and it shall be conclusively presumed that the legislature would have enacted the remainder of this subtitle without such invalid or unconstitutional provision.
- (2) If the exemption from liability to pay damages in KRS 304.39-060 is held to be unconstitutional or invalid as respects substantial numbers of persons or circumstances, it shall be conclusively presumed that the legislature would not have enacted the remainder of the subtitle without such exemption and the entire subtitle shall be held invalid; provided, however, any or all of the exceptions to the liability exemption are severable and the invalidity of any or all of the exemptions shall not impair the validity of the remainder of the subtitle.

Effective: July 1, 1975

History: Created 1974 Ky. Acts ch. 385, sec. 34, effective July 1, 1975.