

HOUSE BILL No. 2913

By Committee on Judiciary

2-14

9 AN ACT concerning civil procedure; relating to fees and costs; amending
10 K.S.A. 60-2005 and 61-4001 and K.S.A. 2005 Supp. 28-110 and re-
11 pealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 28-110 is hereby amended to read as
15 follows: 28-110. The sheriffs of each county in the state shall charge the
16 following fees for the services required by law to be performed by them:

17	Serving or executing and returning any writ, process, order or notice,	
18	including a copy of the same, whenever a copy is required by law,	
19	except as otherwise provided, for the first person.....	\$5.00
20	Serving warrants and making return thereof	1.00
21	Making arrests as law enforcement officer	1.00
22	Serving order of attachment, arrest or replevin and returning same	2.00
23	Making levy under execution	2.00
24	Appraisalment of property	2.00
25	Return of "no property found"	2.00
26	Approving and returning undertaking bond or recognizance	1.00
27	Advertising property for sale	2.00
28	Offering for sale or selling property.....	2.50
29	Taking inventory of personal property, each day.....	10.00
30	Sheriff's deed and acknowledgment, to be paid out of the proceeds of the	
31	sale of real estate conveyed.....	5.00
32	Issuing certificates of sale and recording same	2.00
33	Summoning talesman, each50

34 The sheriff shall charge, for witnesses whose attendance is procured un-
35 der attachment and who are unable to pay their fare, actual expenses and
36 mileage in an amount set in accordance with K.S.A. 75-3203a, and amend-
37 ments thereto, and rules and regulations adopted pursuant thereto. If the
38 writ, process, order or notice contains the names of more than one person,
39 no fee shall be taxed or allowed and no person shall be required to pay
40 any fee unless at the time of making returns the sheriff makes and files
41 with the returns, or as a part thereof, a statement showing the service on
42 the first person named by the sheriff and the service on the second person
43 named by the sheriff and so on for each person served. If more than one

1 process is served in the same case or on the same person, not requiring
2 more than one journey from the office, the sheriff shall charge a fee for
3 one service only. If more than one process for the same person, or in the
4 same case, is issued and is in the hands of the sheriff at one time, it shall
5 be the duty of the sheriff to make service of the processes, if possible, on
6 the one trip. Where service is not affected or timely return made pursuant
7 to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee shall be
8 taxed or allowed on subsequent alias, writ, process, order or notice as
9 required to effect service and the return of service. Except as provided
10 by K.S.A. 19-269, and amendments thereto, the sheriff shall be reim-
11 bursed for the necessary transportation and board expenses incurred
12 while serving under requisition made by the governor. All fees charged
13 by the sheriff pursuant to this section for the same case may be paid by
14 a single check, money order or other form of payment at the discretion
15 of the person making such payment. The state of Kansas ~~and~~, all cities
16 and counties in this state, *and county, district and city hospitals organized*
17 *under the laws of this state* are hereby exempt, in any civil action in which
18 such state, city ~~or~~, county *or hospital* is involved, from paying service of
19 process fees prescribed herein.

20 Sec. 2. K.S.A. 60-2005 is hereby amended to read as follows: 60-
21 2005. The state of Kansas ~~and~~, all cities and counties in this state, *and*
22 *county, district and city hospitals organized under the laws of this state*
23 are hereby exempt, in any civil action in which such state, city ~~or~~, county
24 *or hospital* is involved, from depositing court costs or paying docket fees
25 prescribed by any other law of this state, except that if the costs are
26 assessed against ~~the state of Kansas or any city or county in this state~~ *such*
27 *state, city, county or hospital* in any such action, such costs shall include
28 the amount of the docket fee prescribed by K.S.A. 60-2001, *and amend-*
29 *ments thereto*, together with any additional courts costs accrued in the
30 action.

31 Sec. 3. K.S.A. 61-4001 is hereby amended to read as follows: 61-
32 4001. (a) Docket fee. No case shall be filed or docketed pursuant to the
33 code of civil procedure for limited actions without the payment of a
34 docket fee in the amount of \$26, if the amount in controversy or claimed
35 does not exceed \$500; \$46, if the amount in controversy or claimed ex-
36 ceeds \$500 but does not exceed \$5,000; or \$76, if the amount in contro-
37 versy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff,
38 the court also may enter judgment for the plaintiff for the amount of the
39 docket fee paid by the plaintiff.

40 (b) Poverty affidavit; additional court costs; *exemptions for the state,*
41 *cities, counties and certain hospitals.* The provisions of subsections (b),
42 (c) and (d) of K.S.A. 60-2001 *and 60-2005*, and amendments thereto, shall
43 be applicable to lawsuits brought under the code of civil procedure for

1 limited actions.

2 Sec. 4. K.S.A. 60-2005 and 61-4001 and K.S.A. 2005 Supp. 28-110
3 are hereby repealed.

4 Sec. 5. This act shall take effect and be in force from and after its
5 publication in the statute book.