

As Amended by House Committee

Session of 2009

HOUSE BILL No. 2110

By Committee on Judiciary

1-27

10 AN ACT concerning civil procedure; relating to property damage
11 amount; amending K.S.A. 60-2006 and repealing the existing section.
12

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

14 Section 1. K.S.A. 60-2006 is hereby amended to read as follows: 60-
15 2006. (a) ~~Subject to the provisions of subsection (d), in~~ **In** actions brought
16 for the recovery of property damages only of less than ~~\$7,500~~ \$15,000
17 sustained and caused by the negligent operation of a motor vehicle, the
18 prevailing party shall be allowed reasonable attorney fees which shall be
19 taxed as part of the costs of the action unless:

20 (1) The prevailing party recovers no damages; or

21 (2) a tender equal to or in excess of the amount recovered was made
22 by the adverse party before the commencement of the action in which
23 judgment is rendered.

24 (b) For the plaintiff to be awarded attorney fees for the prosecution
25 of such action, a written demand for the settlement of such claim con-
26 taining all of the claimed elements of property damage and the total
27 monetary amount demanded in the action shall have been made on the
28 adverse party at such party's last known address not less than 30 days
29 before the commencement of the action. For the defendant to be
30 awarded attorney fees, a written offer of settlement of such claim shall
31 have been made to the plaintiff at such plaintiff's last known address not
32 more than 30 days after the defendant filed the answer in the action.

33 (c) This section shall apply to actions brought pursuant to the code
34 of civil procedure and actions brought pursuant to the code of civil pro-
35 cedure for limited actions.

36 ~~(d) On July 1, 2010, and annually on July 1 thereafter, the damages~~
37 ~~limitation specified in subsection (a) shall be increased by the same per-~~
38 ~~centage as the percentage increase in the consumer price index for all~~
39 ~~urban consumers, all items, for the preceding calendar year published by~~
40 ~~the United States department of labor. Prior to July 1, 2010, and annually~~
41 ~~on July 1 thereafter, the director of the budget shall certify to the judicial~~
42 ~~administrator of the office of judicial administration such percentage in-~~
43 ~~crease.~~

- 1 Sec. 2. K.S.A. 60-2006 is hereby repealed.
- 2 Sec. 3. This act shall take effect and be in force from and after its
- 3 publication in the statute book.