

As Amended by House Committee

Session of 2010

Substitute for SENATE BILL No. 462

By Committee on Transportation

2-17

10 AN ACT regulating traffic; concerning liability for damage to highway or
11 structure; amending K.S.A. 8-1913 and repealing the existing section.
12

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

14 Section 1. K.S.A. 8-1913 is hereby amended to read as follows: 8-
15 1913. (a) Any person driving any vehicle, object or contrivance upon any
16 highway or highway structure shall be liable, **subject to the provisions**
17 **of K.S.A. 60-258a, and amendments thereto**, for all ~~damage reason-~~
18 ~~able costs, direct or indirect, associated with the repair of damages~~ which
19 ~~said~~ such highway or structure may sustain as a **proximate** result of any
20 illegal operation, driving or moving of such vehicle, object or contrivance;
21 ~~or as a result of operating, driving or moving any vehicle, object or con-~~
22 ~~trivance weighing in excess of the maximum weight in this act but au-~~
23 ~~thorized by a special permit issued as provided in this article regardless~~
24 ~~of whether a ticket has been issued or not. Indirect costs may include, but~~
25 ~~not shall be limited to, reasonable costs associated with damage assess-~~
26 ~~ment, engineering and design, mobilization, traffic control and detour~~
27 ~~costs.~~

28 (b) Whenever such driver is not the owner of such vehicle, object or
29 contrivance, but is so operating, driving or moving the same with the
30 express or implied permission of ~~said~~ the owner, then ~~said~~ the owner and
31 driver shall be jointly and severally liable for any such ~~damage~~ costs.

32 (c) Such ~~damage~~ costs may be recovered in a civil action brought by
33 the authorities in control of such highways or highway structure.

34 Sec. 2. K.S.A. 8-1913 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the statute book.