

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 360

As Recommended by Senate Committee on
Judiciary

Brief*

SB 360 would delete the limit on the number of small claims actions that can be filed in the same court during any calendar year. Additionally, the bill would delete the provisions that would enforce the limitation on the number of claims that can be filed. The provisions that would be deleted make a judgment void and unenforceable, or authorize an affirmative defense that can be raised by a defendant, if the plaintiff has filed more small claims than the limit of 20.

Background

The proponents of the bill, as introduced, who presented testimony in the Senate Committee hearing were representatives of Dibolt Lumber and Supply, the National Federation of Independent Businesses, and the Kansas Cooperative Council.

There was no testimony in opposition to the bill in the Senate Committee hearing.

According to the fiscal note on the bill, as introduced, the current limitation of 20 filings keeps some cases from being filed. Therefore, enactment of SB 360 could increase caseloads. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>