



# Goodwill Industries of Kansas, Inc.

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[www.goodwillks.org](http://www.goodwillks.org)

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Testimony before the House Judiciary Committee  
House Bill 2629 – Product Liability  
February 13, 2012  
Emily Compton, President/CEO, Goodwill Industries of Kansas  
Chairman, Kansas Association of Goodwills

Mr. Chairman and Committee Members,

My name is Emily Compton and I am the president of Goodwill Industries of Kansas but I am also representing the Kansas Association of Goodwills. Thank you for allowing me to address your committee today in support of HB 2629, amending the product liability act.

As most of you are aware, the 25 Goodwill stores in Kansas are used to raise money to support the programs and services we provide to people with disabilities and barriers to employment.

Last summer, one of my board members who is also an attorney with Foulston/Siefkin Law, informed me of the court case of Gaumer v Rossville Truck and Tractor addressing the application of Kansas Product Liability Act to the sellers of used goods. In this particular case, Rossville Truck and Tractor sold a used hay baler “as-is” that was missing a safety shield. The buyer was injured when he tried to repair the hay baler. The buyer sued Rossville, claiming the company should be strictly liable for selling an unreasonably dangerous and defective product.

I don’t understand all the logistics of the case but our board member indicated this court case could have repercussions for our Goodwill stores. As a reseller, we are very careful not to sell damaged equipment, collapsible baby items or any goods on the Consumer Product Safety Recall list. We never want someone to be injured by something they purchased at a Goodwill store but we are not perfect.

Goodwill would like you to support the addition to the Kansas Product Liability Act to include a new subsection dealing with sellers of used products. By including this section, you will be relieving Goodwill and other similar resellers from being held under strict liability for damages caused by products we didn’t manufacture.

Our customers know they are buying used merchandise and are buying it in “as-is” condition. They are willing to take that small risk. In exchange, they know they will pay less for a used item than pay more for a new item from another retailer.

Thank you.



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