

March 5, 2012

House Committee on Judiciary Chairman Lance Kinzer
Kansas State Capitol Room 165-W
Topeka, Kansas 66612

RE: Opposition to Substitute for Senate Bill 283 (Amending K.S.A. 2011 Supp. 28-110)

Dear Chairman Kinzer:

As you are aware, Sub SB 283 proposes to increase Kansas sheriffs' service of process fees by **200% to 1,400%**, depending on the type of process being served. The proposed increase is unreasonable given the current fees for such services—between \$1 and \$5, depending on the type of process being served—as well as the proponent(s) having provided mere anecdotal justification therefor (e.g., “budgetary shortfall” and “this is comparable to other states’ fees” purported justifications).

As proposed, sheriffs would realize \$15 for handing a person papers (i.e., serving process), and sheriffs would realize \$15 for **attempting** to hand a person papers (i.e., attempting to serve process). The proposed fee increase creates a potential windfall for sheriffs at the expense of litigants, including Kansas businesses and consumers. Further, the costs of attempting and effecting service could quickly multiply to the point that proceeding with meritorious claims would no longer be justifiable to some litigants.

In sum:

- Kansas businesses and consumers should not be compelled to finance a windfall for sheriffs through increased service fees;
- Sheriffs should not be rewarded with a service fee when “service” is not effected; and,
- A 200% to 1400% service fee increase is not justified.

Thank you for your consideration of this letter in opposition to Sub SB 283. Please feel free to contact me if you have any questions: (308) 382-3000.

Respectfully,

CREDIT MANAGEMENT SERVICES, INC.

/s/Brady W. Keith
Assistant General Counsel.