

HOUSE BILL No. 2629

By Committee on Judiciary

2-3

1 AN ACT concerning the Kansas product liability act; relating to a product
2 liability claim arising from an alleged defect in a used product;
3 amending K.S.A. 60-3306 and repealing the existing section.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Sec. 1. K.S.A. 60-3306 is hereby amended to read as follows: 60-
7 3306. A product seller shall not be subject to liability in a product liability
8 claim arising from an alleged defect in a product, if the product seller
9 establishes *either* that: (a)(1) Such seller had no knowledge of the defect;

10 ~~(b)~~ (2) such seller in the performance of any duties the seller
11 performed, or was required to perform, could not have discovered the
12 defect while exercising reasonable care;

13 ~~(c) the~~ (3) *such* seller was not a manufacturer of the defective
14 product or product component;

15 ~~(d)~~ (4) the manufacturer of the defective product or product
16 component is subject to service of process either under the laws of the
17 state of Kansas or the domicile of the person making the product liability
18 claim; and

19 ~~(e)~~ (5) any judgment against the manufacturer obtained by the person
20 making the product liability claim would be reasonably certain of being
21 satisfied; *or*

22 *(b)(1) Such seller is a retail seller of used products;*

23 *(2) such seller resold the product after the product was used by a*
24 *consumer or other product user; and*

25 *(3) the product was sold in substantially the same condition as it was*
26 *when it was acquired for resale.*

27 Sec. 2. K.S.A. 60-3306 is hereby repealed.

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