

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2629**

As Amended by House Committee on Judiciary

**Brief\***

HB 2629 would amend the Kansas Product Liability Act to provide that a retail seller of used products would not be subject to liability in a claim arising from an alleged defect in a product if the seller establishes the product was resold after use by a consumer or other product user and was sold in substantially the same condition as when it was acquired for resale. An exception would exist for a claim arising out of intentional misrepresentation, an alleged breach of an express or implied warranty, or intentional concealment or nondisclosure of a condition known to the seller.

**Background**

In the House Committee on Judiciary, representatives of the Kansas Chamber, Southwest Association of Farm Implement Dealers, Kansas Grain and Feed Association, Kansas Agribusiness Retailers Association, Kansas Cooperative Council, Goodwill Association of Kansas, and National Federation of Independent Business appeared in support of HB 2629. A representative of the Kansas Association for Justice appeared as an opponent. The Committee amended the bill to include an exception for claims arising out of intentional misrepresentation, an alleged breach of an express or implied warranty, or intentional concealment or nondisclosure of a known condition.

The fiscal note indicates passage of HB 2629, as introduced, would have no fiscal effect.

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\*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>