

**SENATE BILL No. 461**

By Committee on Assessment and Taxation

2-8

1 AN ACT concerning transportation; enacting the delivery service liability  
2 act; relating to the transportation and delivery of food, groceries and  
3 other products; pertaining to individuals who transport and deliver such  
4 products; assigning liability when such individuals cause damage to the  
5 property of others during the course of such transportation and delivery.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. Sections 1 through 3, and amendments thereto, shall be  
9 known and may be cited as the delivery service liability act.

10 Sec. 2. As used in this act:

11 (a) "Act" means the delivery service liability act.

12 (b) "Business entity" means a natural person, corporation,  
13 association, partnership, limited liability company, limited liability  
14 partnership or other organization that provides food, groceries or other  
15 products to a driver for delivery to a customer.

16 (c) "Customer" means an individual who places an order with a  
17 business entity for food, groceries or other items to be delivered by a  
18 driver for use or consumption.

19 (d) "Driver" means an individual who delivers food, groceries or  
20 other products for a fee or compensation.

21 (e) "Product" means food, groceries or other products that a driver  
22 obtains from a business entity to transport and deliver to a customer.

23 Sec. 3. (a) A business entity shall assume all liability for any damages  
24 that a driver causes to the property of another that results from the driver's  
25 operation or use of a motor vehicle during the course of transporting and  
26 delivering a product from the business entity to a customer, if:

27 (1) A police report was filed with the law enforcement agency having  
28 jurisdiction over the location at which the incident or accident occurred;

29 (2) the police report was filed at the time the incident or accident  
30 resulting in the damage occurred; and

31 (3) the police report states that the driver was at fault for the accident  
32 or incident resulting in the damage.

33 (b) For purposes of this act, all drivers shall be deemed to be  
34 employees of the business entity for which the driver is transporting and  
35 delivering when the accident or incident resulting in the damage occurred,  
36 regardless of the driver's actual employment status.

1       (c) Nothing in the this act shall be construed to limit the ability of a  
2 business entity to seek indemnification from the driver for economic loss  
3 resulting from a breach of the terms and conditions of the employment  
4 relationship.

5       Sec. 4. This act shall take effect and be in force from and after its  
6 publication in the statute book.