

HOUSE BILL No. 2491

AN ACT concerning the Kansas tort claims act; relating to small claims actions; amending K.S.A. 2013 Supp. 75-6103 and repealing the existing section.

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

Section 1. K.S.A. 2013 Supp. 75-6103 is hereby amended to read as follows: 75-6103. (a) Subject to the limitations of this act, each governmental entity shall be liable for damages caused by the negligent or wrongful act or omission of any of its employees while acting within the scope of their employment under circumstances where the governmental entity, if a private person, would be liable under the laws of this state.

(b) (1) Except as otherwise provided in this act, either the code of civil procedure or, subject to ~~provision (2) of this subsection (b)(2)~~, the code of civil procedure for limited actions shall be applicable to actions within the scope of this act. Actions for claims within the scope of the Kansas tort claims act brought under the code of civil procedure for limited actions are subject to the limitations provided in K.S.A. 61-2802, and amendments thereto.

(2) Actions within the scope of the Kansas tort claims act may not be brought under the small claims procedure act. *Notwithstanding any provision of the small claims procedure act to the contrary, if a small claims action is within the scope of the Kansas tort claims act, a lawyer may appear in such small claims action on behalf of any governmental entity, officer or employee for the sole purpose of filing, briefing and arguing a motion to dismiss for lack of jurisdiction.*

Sec. 2. K.S.A. 2013 Supp. 75-6103 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.