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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 18, 2021
Subject: Bill Brief for HB 2298

House Bill 2298 changes requirements for service of process on nonresident drivers and clarifies service of process on certain business entities.

Section 1 amends K.S.A. 8-402, a statute concerning service of process on nonresident drivers or their representatives. Current law in K.S.A. 8-401 provides that nonresidents driving in Kansas are deemed to accept the secretary of state as their agent for service of process arising from any accident or collision that occurs while operating a vehicle in Kansas. K.S.A. 8-402 provides the requirements for such service of process and directs that certain documents shall be “delivered to the defendant by registered mail or personally without the state by a sheriff or deputy sheriff in such state.” The bill authorizes service on a defendant through the secretary of state by mail with return receipt delivery under subsection (b)(1), or through personal service by the plaintiff with notice of service provided to the secretary of state under subsection (b)(2). The bill also requires the secretary of state to keep a record of all process served under this section.

Section 2 amends K.S.A. 60-304, a statute in the rules of civil procedure concerning service of process. The bill amends subsection (f) regarding service on a resident agent for certain business entities to include references to domestic and foreign limited liability partnerships. These business entities are already included in current law subsection (e) concerning direct service.