

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2253

By Committee on Judiciary

2-9

1 AN ACT concerning civil procedure; relating to private rights of action;
2 certain restrictions.

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

5 Section 1. (a) This section shall be known as the transparency in
6 lawsuits protection act and shall be part of and supplemental to the Kansas
7 code of civil procedure.

8 (b) It is the intent of the legislature ~~to ensure that no legislative act,~~
9 ~~regulatory or otherwise, in this state~~ **that no statute, rule, regulation or**
10 **other enactment of the state** shall create a private right of action unless
11 such a right is expressly stated ~~in the legislation~~ **therein.**

12 (c) Any legislation enacted in this state creating a private right of
13 action shall contain express language providing for such a right. Courts of
14 this state shall not construe a statute to imply a private right of action in
15 the absence of such express language.

16 **(d) Nothing in this act shall be construed to prevent the breach of**
17 **any duty imposed by law from being used as the basis for a cause of**
18 **action under any theory of recovery otherwise recognized by law,**
19 **including, but not limited to, theories of recovery under the law of**
20 **torts or contract.**

21 Sec. 2. This act shall take effect and be in force from and after its
22 publication in the statute book.

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