

(Corrected)  
**As Amended by Senate Committee**

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**As Amended by House Committee**

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Session of 2001

## HOUSE BILL No. 2175

By Committee on Judiciary

1-25

AN ACT concerning civil procedure; relating to judgment liens; **liability for domestic animal activity**; amending **K.S.A. 60-4001** and K.S.A. 2000 Supp. ~~60-2202~~ and 60-2418 and repealing the existing sections ~~section~~ **sections**.

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

Section 1. ~~K.S.A. 2000 Supp. 60-2202 is hereby amended to read as follows: 60-2202. (a) Any judgment rendered in this state by a court of the United States or by a district court of this state in an action commenced under chapter 60 of the Kansas Statutes Annotated shall be a lien on the real estate of the judgment debtor within the county in which judgment is rendered. Except as provided in subsection (c), the lien shall be effective from the time at which the petition stating the claim against the judgment debtor was filed but not to exceed four months prior to the entry of the judgment. An attested copy of the journal entry of the judgment, together with a statement of the costs taxed against the judgment debtor in the case, may be filed in the office of the clerk of the district court of any other county upon payment of the fee prescribed by K.S.A. 28-170 and amendments thereto, and the judgment shall become a lien on the real estate of the debtor within that county from the date of filing the copy. The clerk shall enter the judgment on the appearance docket and index it in the same manner as if rendered in the court in which the clerk serves. Executions shall be issued only from the court in which the judgment is rendered.~~

~~—(b) Any judgment rendered by a district court of this state in an action commenced under the code of civil procedure for limited actions shall become a lien on the real property of the judgment debtor when the party in whose favor the judgment was rendered pays the fee prescribed by K.S.A. 28-170 and amendments thereto and the clerk of the district court enters the judgment in the appearance docket. The lien shall become a lien only upon the debtor's real property that is located in the county in which the *original* filing is made, but a filing may be made~~

1 ~~subsequently~~ in any county in which real property of the judgment debtor  
2 is located. Upon the filing of a journal entry of judgment and payment of  
3 the fee as provided in this section, the clerk of the district court shall  
4 enter it in the appearance docket. The lien shall cease to be a lien on the  
5 real property of the judgment debtor at the time provided in article 24  
6 of this chapter.

7 ~~—(c) Notwithstanding the foregoing provisions of this section, the filing~~  
8 ~~of a petition or other pleadings against an employee of the state or a~~  
9 ~~municipality which alleges a negligent or wrongful act or omission of the~~  
10 ~~employee while acting within the scope of the employee's employment~~  
11 ~~shall create no lien rights as against the property of the employee prior~~  
12 ~~to judgment, regardless of whether or not it is alleged in the alternative~~  
13 ~~that the employee was acting outside the scope of the employee's em-~~  
14 ~~ployment. A judgment against an employee shall become a lien upon the~~  
15 ~~employee's property when the judgment is rendered only if it is found~~  
16 ~~that (1) the employee's negligent or wrongful act or omission occurred~~  
17 ~~when the employee was acting outside the scope of the employee's em-~~  
18 ~~ployment or (2) the employee's conduct which gave rise to the judgment~~  
19 ~~was because of actual fraud or actual malice of the employee; in those~~  
20 ~~cases the lien shall not be effective prior to the date judgment is rendered.~~  
21 ~~As used in this subsection, "employee" has the meaning provided by~~  
22 ~~K.S.A. 75-6102 and amendments thereto.~~

23 ~~—(d) If unpaid arrearages accrued under a support order rendered in~~  
24 ~~another state give rise to a lien on real property in the state where ren-~~  
25 ~~dered, such arrearages shall become a lien on the real property of the~~  
26 ~~obligor as of the date the clerk of the court in this state enters the order~~  
27 ~~in the appearance docket. The clerk of the court shall enter the order in~~  
28 ~~the appearance docket upon receiving payment of the fee prescribed by~~  
29 ~~K.S.A. 28-170 and amendments thereto; a sworn statement that the ob-~~  
30 ~~ligor was provided at least 30 days' prior written notice that the lien would~~  
31 ~~be filed in this state, that the obligor was provided an opportunity for~~  
32 ~~hearing concerning the proposed filing and that no hearing was timely~~  
33 ~~requested or the decision therein allows the lien to be filed; a sworn~~  
34 ~~statement of the amount of the lien; and a legible copy of the support~~  
35 ~~order or, in a title IV-D case, a notice of lien that describes the support~~  
36 ~~order. The lien shall become a lien only upon the obligor's real property~~  
37 ~~that is located in the county in which the filing is made, but a filing may~~  
38 ~~be made in any county in which real property of the obligor is located.~~  
39 ~~The lien shall cease to be a lien on the real property of the obligor at the~~  
40 ~~time provided in article 24 of this chapter. As used in this section, "title~~  
41 ~~IV-D case" means a case being administered pursuant to part D of title~~  
42 ~~IV of the federal social security act (42 U.S.C. § 651 et seq.) and amend-~~  
43 ~~ments thereto. Any person filing the documents required by this subsec-~~

1 tion shall be deemed to have submitted to the jurisdiction of the courts  
2 of this state with respect to any action in this state to determine the  
3 validity of the lien or the lien's attachment to any real property.

4 —(e) A person named as the debtor in a notice of lien filed pursuant  
5 to subsection (d) based upon a support order issued in another state, or  
6 a person whose interest in real estate is affected by the filing of such a  
7 notice of lien may file a petition pursuant to chapter 60 of the Kansas  
8 Statutes Annotated, and amendments thereto, with the district court  
9 where the notice of lien was filed. The petitioner shall notify the person  
10 who filed the notice of lien that a hearing to contest the validity of the  
11 lien or the lien's attachment to the petitioner's property will be held no  
12 less than 30 days after the date of mailing or personal service of the notice.

13 **Sec. 2. Section 1.** K.S.A. 2000 Supp. 60-2418 is hereby amended to  
14 read as follows: 60-2418. (a) In all cases in which a judgment is rendered  
15 pursuant to the code of civil procedure for limited actions, the party in  
16 whose favor judgment is rendered may pay the fee prescribed by K.S.A.  
17 28-170 and amendments thereto. Upon payment of the fee the clerk of  
18 the district court in the county in which the judgment was rendered shall  
19 renumber the case as a case filed under this chapter and enter payment  
20 of the fee and the renumbering of the case on the appearance docket of  
21 the case. **Thereafter, such judgment may be filed in any county in**  
22 **which real property of the judgment debtor is located pursuant to**  
23 **K.S.A. 60-2202, and amendments thereto.** The judgment shall be-  
24 come a lien on the real estate of the judgment debtor in the county from  
25 the date of the entry. Execution to satisfy the judgment shall proceed in  
26 the same manner as original judgments in the district court pursuant to  
27 this chapter, ~~and shall be issued from the county in which the case was~~  
28 ~~originally filed. The lien shall become a lien only upon the debtor's real~~  
29 ~~property that is located in the county in which the original filing is made,~~  
30 ~~but thereafter a filing may be made in any county in which real property~~  
31 ~~of the judgment debtor is located.~~

32 (b) If any judgment filed pursuant to this section becomes dormant,  
33 it may be revived in the same manner as other judgments in the district  
34 court.

35 **Sec. 2. K.S.A. 60-4001 is hereby amended to read as follows:**  
36 **60-4001. As used in this act:**

37 (a) ***“Engages in a domestic animal activity” means riding, train-***  
38 ***ing, boarding, loading, hauling, breeding, racing, providing or as-***  
39 ***isting in medical treatment of, driving, or being a passenger upon***  
40 ***a domestic animal or in or on a vehicle pulled or pushed by a do-***  
41 ***mestic animal, whether mounted or unmounted or any person as-***  
42 ***isting a participant or show management. The term “engages in an***  
43 ***activity involving domestic animals” does not include being a spec-***

1 *tator at an activity involving domestic animals, except in cases*  
2 *where the spectator places the spectator's self in an unauthorized*  
3 *area and in immediate proximity to the activity involving domestic*  
4 *animals.*

5 (b) *“Domestic animal” means a cow, swine, sheep, goat, domes-*  
6 *ticated deer, llama, poultry, rabbit, horse, pony, mule, jenny, don-*  
7 *key ♂, hinny, bison or any creature of the ratite family, including but*  
8 *not limited to, an ostrich, emu or rhea.*

9 (c) *“Domestic animal activity” means, but is not limited to:*

10 (1) *Shows, fairs, competitions, performances or parades that in-*  
11 *volve any or all breeds of domestic animals and any of the equine*  
12 *disciplines, including, but not limited to, dressage, hunter and*  
13 *jumper horse shows, grand prix jumping, three-day events, com-*  
14 *bined training, rodeos, driving, pulling, cutting, polo, steeple chas-*  
15 *ing, English and western performance riding, trail riding, endur-*  
16 *ance trail riding and western games, and hunting;*

17 (2) *domestic animal training or teaching activities or both;*

18 (3) *boarding domestic animals;*

19 (4) *riding, inspecting or evaluating domestic animals belonging*  
20 *to another, whether or not the owner has received some monetary*  
21 *consideration or other thing of value for the use of the domestic*  
22 *animals or is permitting a prospective purchaser of the domestic*  
23 *animals to ride, inspect or evaluate the domestic animals;*

24 (5) *rides, trips, hunts or other domestic animal activities of any*  
25 *type however informal or impromptu that are sponsored by a do-*  
26 *mestic animal activity sponsor; and*

27 (6) *hoofcare and placing or replacing shoes on a domestic*  
28 *animal.*

29 (d) *“Domestic animal activity sponsor” means an individual,*  
30 *group, club, partnership or corporation, whether or not the sponsor*  
31 *is operating for profit or nonprofit, which sponsors, organizes or*  
32 *provides the facilities for, a domestic animal activity, including but*  
33 *not limited to: Pony clubs, 4-H clubs, hunt clubs, riding clubs, trail*  
34 *rides, racetrack, school and college-sponsored classes, programs*  
35 *and activities, therapeutic riding programs, breeding farms, train-*  
36 *ing farms and operators, instructors, and promoters of domestic an-*  
37 *imal facilities, including, but not limited to, stables, clubhouses,*  
38 *pony ride strings, fairs and arenas at which the activity is held.*

39 (e) *“Domestic animal professional” means an individual, part-*  
40 *nership or corporation and such individual or entities' employees*  
41 *engaged in a domestic animal activity for compensation:*

42 (1) *In instructing a participant or renting to a participant a do-*  
43 *mestic animal for the purpose of riding, driving or being a passenger*

1 **upon the domestic animal, or a passenger in or on a vehicle pulled**  
2 **or pushed by a domestic animal; or**

3 **(2) in renting equipment or tack to a participant.**

4 **(f) “Inherent risks of domestic animal activities” means those**  
5 **dangers or conditions which are an integral part of domestic animal**  
6 **activities, including, but not limited to:**

7 **(1) The propensity of a domestic animal to run, buck, bite, shy,**  
8 **stumble, rear, fall, step on or behave in ways that may result in**  
9 **injury, harm or death to persons on or around them;**

10 **(2) the unpredictability of a domestic animal’s reaction to such**  
11 **things as sounds, sudden movement and unfamiliar objects, persons**  
12 **or other animals;**

13 **(3) certain hazards such as surface and subsurface conditions;**

14 **(4) collisions with other domestic animals or objects; and**

15 **(5) the potential of a participant to act in a negligent manner**  
16 **that may contribute to injury to the participant or others, such as**  
17 **failing to maintain control over the animal or not acting within such**  
18 **participant’s ability.**

19 **(g) “Participant” means any person who engages in a domestic**  
20 **animal activity.**

21 ~~Sec. 3.~~ **Sec. 2 3. K.S.A. 60-4001 and K.S.A. 2000 Supp. 60-2202**  
22 **and 60-2418 are ~~is~~ are hereby repealed.**

23 ~~Sec. 4.~~ **Sec. 3 4.** This act shall take effect and be in force from and  
24 after its publication in the statute book.

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