

HOUSE BILL No. 2466

By Committee on Agriculture

2-9

AN ACT concerning anhydrous ammonia; relating to certain owners thereof.

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

Section 1. As used in this act:

(a) (1) "Owner" means:

(A) Any person who lawfully owns anhydrous ammonia;

(B) any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia;

(C) any person responsible for the installation or operation of such containers, equipment or storage facilities;

(D) any person lawfully selling anhydrous ammonia;

(E) any person lawfully purchasing anhydrous ammonia for agricultural purposes; and

(F) any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes.

(2) "Tamperer" means a person who commits or assists in the commission of tampering, or is related to a person who commits or assists in the commission of tampering.

(3) "Tampering" means transferring or attempting to transfer anhydrous ammonia from its present container, equipment or storage facility to another container, equipment or storage facility, without prior authorization from the owners.

(b) A tamperer assumes the risk of any personal injury, death and other economic and noneconomic loss arising from such tamperer's participation in the act of tampering. A tamperer shall not commence a direct or derivative action against any owner. Owners are immune from suit by a tamperer and shall not be held liable for any negligent act or omission which may cause personal injury, death or other economic or noneconomic loss to a tamperer.

(c) The immunity from liability and suit authorized by this section is expressly waived for owners whose acts or omissions constitute intentional or reckless negligence.

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