

HOUSE BILL No. 2808

By Representative Patterson

2-11

9 AN ACT concerning civil procedure for limited actions; relating to the
10 filing of an answer; amending K.S.A. 2003 Supp. 61-2904 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 2003 Supp. 61-2904 is hereby amended to read as
15 follows: 61-2904. (a) A defendant shall either appear, in person or by
16 counsel, at the time and date set forth in the summons or file on or before
17 such date a written answer. ~~If the defendant appears and disputes the~~
18 ~~petition, the defendant shall file an answer not later than 10 days after~~
19 ~~the appearance date.~~ The defendant shall promptly send a copy of the
20 answer after filing to the plaintiff's attorney or the plaintiff, if no attorney.
21 If the defendant is not represented by an attorney, the answer shall be
22 signed by the defendant.

23 (b) The answer when filed shall state the following:

24 (1) What the dispute is;

25 (2) any affirmative defenses the defendant has to the claim; and

26 (3) the current address, phone number, fax phone number and elec-
27 tronic mail address for the defendant.

28 (c) If the defendant asserts a counterclaim against the plaintiff in the
29 answer, the plaintiff may file a reply disputing the defendant's counter-
30 claim not later than 10 days after service of the defendant's answer. The
31 plaintiff's reply shall comply with the requirements set forth in subsection
32 (b). If the plaintiff does not file a reply, the plaintiff waives the right to
33 present any dispute to the defendant's counterclaim.

34 (d) Affirmative defenses are those listed in subsection (c) of K.S.A.
35 60-208, and amendments thereto.

36 (e) The date the defendant is required to appear as set forth in the
37 summons may be continued by the court upon request of either party in
38 such manner as the court shall prescribe.

39 Sec. 2. K.S.A. 2003 Supp. 61-2904 is hereby repealed.

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