

SENATE BILL No. 29

By Committee on Judiciary

1-11

9 AN ACT concerning civil procedure; relating to attorney's fees taxed as
10 costs; amending K.S.A. 2004 Supp. 60-2006 and repealing the existing
11 section.

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

13 Section 1. K.S.A. 2004 Supp. 60-2006 is hereby amended to read as
14 follows: 60-2006. (a) In actions brought for the recovery of property dam-
15 ages only of less than \$7,500, sustained and caused by the negligent op-
16 eration of a motor vehicle, the prevailing party shall be allowed reasonable
17 attorney fees which shall be taxed as part of the costs of the action unless:

18 (1) The prevailing party recovers no damages; or
19 (2) a tender equal to or in excess of the amount recovered was made
20 by the adverse party before the commencement of the action in which
21 judgment is rendered.

22 (b) For the plaintiff to be awarded attorney fees for the prosecution
23 of such action, a written demand for the settlement of such claim con-
24 taining all of the claimed elements of property damage and the total
25 monetary amount demanded in the action shall have been made on the
26 adverse party at such party's last known address not less than 30 days
27 before the commencement of the action. For the defendant to be
28 awarded attorney fees, a written offer of settlement of such claim shall
29 have been made to the plaintiff at such plaintiff's last known address not
30 more than 30 days after the defendant filed the answer in the action.

31 (c) This section shall apply to actions brought pursuant to the code
32 of civil procedure and actions brought pursuant to the code of civil pro-
33 cedure for limited actions.

34 Sec. 2. K.S.A. 2004 Supp. 60-2006 is hereby repealed.

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