

Approved: 4/1/09
Date

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 18, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Bob Brookens- excused
Representative Kay Wolf- excused

Committee staff present:

Melissa Doeblin, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Jill Wolters, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

SB 135 - Kansas open meetings act; interactive communications constituting open meetings.

Representative Watkins made the motion to report SB 135 favorably for passage. Representative Crow seconded the motion. Motion carried.

SB 134 - Court fees and costs; authorizing supreme court to establish additional charges for court procedures.

Representative Watkins made the motion to report SB 134 favorably for passage. Representative King seconded the motion.

Representative Watkins made the substitute motion to amend the bill on several pages, per Balloon attached. (Attachment 1)

Representative King seconded the motion. Motion carried.

Representative Yoder made the motion to require any additional charge from the docket fee imposed by the court to be remitted to the state treasurer in accordance with provisions of K.S.A. 75-4215. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch surcharge fund, which is hereby created in the state treasury.

Representative Watkins seconded the motion. Motion carried.

Representative Watkins made the motion to report SB 134 favorably for passage as amended.

Representative Whitham seconded the motion. Motion carried.

SB 68 - Docket fees; prosecuting attorneys' training fund.

Representative Watkins made the motion to report SB 68 favorably for passage.

Representative Whitham seconded the motion.

Representative Watkins made the substitute motion to amend the bill on page 4, in line 17, by striking "Kansas register" and inserting "statute book".

Representative Whitham seconded the motion. Motion carried.

Representative Watkins made the motion to report SB 68 favorably for passage as amended.

Representative Whitham seconded the motion. Motion carried.

SB 6 - Sub for S 6 by Committee on Judiciary – Professional fund raisers; required disclosures.

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 18, 2009, in Room 143-N of the Capitol.

Representative Watkins made the motion to report **SB 6** favorably for passage.
Representative Crow seconded the motion. Motion failed.

SB 237 - Scrap metal, regulations concerning selling and buying.

Representative Pauls made the motion to report SB 237 favorably for passage. Representative Grange seconded the motion.

Representative Whitham made the substitute motion to amend, identified as Balloon 1-Technical. (Attachment 2)
Representative Goyle seconded the motion. Motion carried.

Representative Pauls made the motion to amend, identified as Balloon 2. (Attachment 3)
Representative Keuther seconded the motion. Motion carried.

Chairman Kinzer made the motion to move the contents of **SB 95** into **SB 237**.
Representative Pauls seconded the motion. Motion carried.

Representative Pauls made the motion to amend (**SB 95** and now a part of **SB 237**) to include parking lots based on a balloon provided on the day of the bill hearing by Chuck Simmons, Deputy Secretary, Department of Corrections.
Representative Kuether seconded the motion. Motion carried.

Representative Pauls made the motion to report **SB 237** favorably for passage as amended.
Representative Crow seconded the motion. Motion carried.

SB 95 - Trafficking in contraband in a correctional institution or treatment care facility.

Note: See above amendment moving contents into **SB 237**.

The next meeting is scheduled for March 19, 2009.

The meeting was adjourned at 4:55 p.m.

JUDICIARY COMMITTEE GUEST LIST

DATE: 3-18-09

| NAME | REPRESENTING |
|------------------|--------------------|
| Marche Lee Smith | KMHA |
| Sandy Jaegquist | LKM |
| Kathy Potts | Judicial Branch |
| Lore White | Jud. Branch |
| Richard Gannon | KPA |
| Alissa Jones | Rep Crow's Intern |
| Ligh Keck | Hein law firm |
| Joseph Molina | KS BAR ASSN |
| Whitney Damm | FS Bar Assn. |
| Dan Morin | KS Medical Society |
| Nancy Zogelman | Polsinelli |
| E. Klump | KACP KPOA |
| SEAS Miller | CAPITOL STRATEGIES |
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SENATE BILL No. 134

By Committee on Judiciary

1-28

10 AN ACT concerning court fees and costs; amending K.S.A. 2008 Supp.
11 8-2107, 8-2110, 23-108a, 28-170, 28-172a, 28-177, 38-2215, 38-2314,
12 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and re-
13 pealing the existing sections; also repealing K.S.A. 2008 Supp. 38-1511
14 and 38-1613.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2008 Supp. 8-2107 is hereby amended to read as
18 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uni-
19 form act regulating traffic on highways, when a person is stopped by a
20 police officer for any of the offenses described in subsection (d) and such
21 person is not immediately taken before a judge of the district court, the
22 police officer may require the person stopped, subject to the provisions
23 of subsection (c), to deposit with the officer a valid Kansas driver's license
24 in exchange for a receipt therefor issued by such police officer, the form
25 of which shall be approved by the division of vehicles. Such receipt shall
26 be recognized as a valid temporary Kansas driver's license authorizing the
27 operation of a motor vehicle by the person stopped until the date of the
28 hearing stated on the receipt. The driver's license and a written copy of
29 the notice to appear shall be delivered by the police officer to the court
30 having jurisdiction of the offense charged as soon as reasonably possible.
31 If the hearing on such charge is continued for any reason, the judge may
32 note on the receipt the date to which such hearing has been continued
33 and such receipt shall be recognized as a valid temporary Kansas driver's
34 license until such date, but in no event shall such receipt be recognized
35 as a valid Kansas driver's license for a period longer than 30 days from
36 the date set for the original hearing. Any person who has deposited a
37 driver's license with a police officer under this subsection (a) shall have
38 such license returned upon final determination of the charge against such
39 person.

40 (2) In the event the person stopped deposits a valid Kansas driver's
41 license with the police officer and fails to appear in the district court on
42 the date set for appearance, or any continuance thereof, and in any event
43 within 30 days from the date set for the original hearing, the court shall

Proposed amendment
Representative Kinzer
March 17, 2009

Watkins
Amendment

House Judiciary
Date 3-18-09
Attachment # 1

1 forward such person's driver's license to the division of vehicles with an
2 appropriate explanation attached thereto. Upon receipt of such person's
3 driver's license, the division shall suspend such person's privilege to op-
4 erate a motor vehicle in this state until such person appears before the
5 court having jurisdiction of the offense charged, the court makes a final
6 disposition thereof and notice of such disposition is given by the court to
7 the division. No new or replacement license shall be issued to any such
8 person until such notice of disposition has been received by the division.
9 The provisions of K.S.A. 8-256, and amendments thereto, limiting the
10 suspension of a license to one year, shall not apply to suspensions for
11 failure to appear as provided in this subsection (a).

12 (b) No person shall apply for a replacement or new driver's license
13 prior to the return of such person's original license which has been de-
14 posited in lieu of bond under this section. Violation of this subsection (b)
15 is a class C misdemeanor. The division may suspend such person's driver's
16 license for a period of not to exceed one year from the date the division
17 receives notice of the disposition of the person's charge as provided in
18 subsection (a).

19 (c) (1) In lieu of depositing a valid Kansas driver's license with the
20 stopping police officer as provided in subsection (a), the person stopped
21 may elect to give bond in the amount specified in subsection (d) for the
22 offense for which the person was stopped. When such person does not
23 have a valid Kansas driver's license, such person shall give such bond.
24 Such bond shall be subject to forfeiture if the person stopped does not
25 appear at the court and at the time specified in the written notice pro-
26 vided for in K.S.A. 8-2106, and amendments thereto.

27 (2) Such bond may be a cash bond, a bank card draft from any valid
28 and unexpired credit card approved by the division of vehicles or super-
29 intendent of the Kansas highway patrol or a guaranteed arrest bond cer-
30 tificate issued by either a surety company authorized to transact such
31 business in this state or an automobile club authorized to transact business
32 in this state by the commissioner of insurance. If any of the approved
33 bank card issuers redeem the bank card draft at a discounted rate, such
34 discount shall be charged against the amount designated as the fine for
35 the offense. If such bond is not forfeited, the amount of the bond less
36 the discount rate shall be reimbursed to the person providing the bond
37 by the use of a bank card draft. Any such guaranteed arrest bond certifi-
38 cate shall be signed by the person to whom it is issued and shall contain
39 a printed statement that such surety company or automobile club guar-
40 antees the appearance of such person and will, in the event of failure of
41 such person to appear in court at the time of trial, pay any fine or forfei-
42 ture imposed on such person not to exceed an amount to be stated on
43 such certificate.

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1 (3) Such cash bond shall be taken in the following manner: The police
 2 officer shall furnish the person stopped a stamped envelope addressed to
 3 the judge or clerk of the court named in the written notice to appear and
 4 the person shall place in such envelope the amount of the bond, and in
 5 the presence of the police officer shall deposit the same in the United
 6 States mail. After such cash payment, the person stopped need not sign
 7 the written notice to appear, but the police officer shall note the amount
 8 of the bond mailed on the notice to appear form and shall give a copy of
 9 such form to the person. If the person stopped furnishes the police officer
 10 with a guaranteed arrest bond certificate or bank card draft, the police
 11 officer shall give such person a receipt therefor and shall note the amount
 12 of the bond on the notice to appear form and give a copy of such form
 13 to the person stopped. Such person need not sign the written notice to
 14 appear, and the police officer shall present the notice to appear and the
 15 guaranteed arrest bond certificate or bank card draft to the court having
 16 jurisdiction of the offense charged as soon as reasonably possible.

17 (d) The offenses for which appearance bonds may be required as
 18 provided in subsection (c) and the amounts thereof shall be as follows:

19 On and after July 1, 1996:

| | |
|--|------|
| 20 Reckless driving..... | \$82 |
| 21 Driving when privilege is canceled, suspended or revoked..... | 82 |
| 22 Failure to comply with lawful order of officer..... | 57 |
| 23 Registration violation (registered for 12,000 pounds or less)..... | 52 |
| 24 Registration violation (registered for more than 12,000 pounds)..... | 92 |
| 25 No driver's license for the class of vehicle operated or violation of | |
| 26 restrictions..... | 52 |
| 27 Spilling load on highway..... | 52 |
| 28 Transporting open container of alcoholic liquor or cereal malt beverage | |
| 29 accessible while vehicle in motion..... | 223 |

30 (e) In the event of forfeiture of any bond under this section, \$75 of
 31 the amount forfeited shall be regarded as a docket fee in any court having
 32 jurisdiction over the violation of state law.

33 (f) None of the provisions of this section shall be construed to conflict
 34 with the provisions of the nonresident violator compact.

35 (g) When a person is stopped by a police officer for any traffic in-
 36 fraction and the person is a resident of a state which is not a member of
 37 the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments
 38 thereto, or the person is licensed to drive under the laws of a foreign
 39 country, the police officer may require a bond as provided for under
 40 subsection (c). The bond shall be in the amount specified in the uniform
 41 fine schedule in subsection (c) of K.S.A. 8-2118, and amendments
 42 thereto, plus \$75 which shall be regarded as a docket fee in any court
 43 having jurisdiction over the violation of state law.

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1 (h) When a person is stopped by a police officer for failure to provide
 2 proof of financial security pursuant to K.S.A. 40-3104, and amendments
 3 thereto, and the person is a resident of another state or the person is
 4 licensed to drive under the laws of a foreign country, the police officer
 5 may require a bond as provided for under subsection (c). The bond shall
 6 be in the amount of \$75, plus \$75 which shall be regarded as a docket
 7 fee in any court having jurisdiction over the violation of state law.

8 ~~(i) The docket fee established in this section shall be the only fee
 9 collected or moneys in the nature of a fee collected for the docket fee.
 10 Such fee shall only be established by an act of the legislature and no other
 11 authority is established by law or otherwise to collect a fee. Notwithstand-
 12 ing any provision of law to the contrary, the supreme court is hereby
 13 authorized to establish additional charges for court procedures.~~ ←

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

14 Sec. 2. K.S.A. 2008 Supp. 8-2110 is hereby amended to read as fol-
 15 lows: 8-2110. (a) Failure to comply with a traffic citation means failure
 16 either to (1) appear before any district or municipal court in response to
 17 a traffic citation and pay in full any fine and court costs imposed or (2)
 18 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
 19 amendments thereto. Failure to comply with a traffic citation is a mis-
 20 demeanor, regardless of the disposition of the charge for which such
 21 citation was originally issued.

22 (b) In addition to penalties of law applicable under subsection (a),
 23 when a person fails to comply with a traffic citation, except for illegal
 24 parking, standing or stopping, the district or municipal court in which the
 25 person should have complied with the citation shall mail notice to the
 26 person that if the person does not appear in district or municipal court
 27 or pay all fines, court costs and any penalties within 30 days from the date
 28 of mailing notice, the division of vehicles will be notified to suspend the
 29 person's driving privileges. The district or municipal court may charge an
 30 additional fee of \$5 for mailing such notice. Upon the person's failure to
 31 comply within such 30 days of mailing notice, the district or municipal
 32 court shall electronically notify the division of vehicles. Upon receipt of
 33 a report of a failure to comply with a traffic citation under this subsection,
 34 pursuant to K.S.A. 8-255, and amendments thereto, the division of ve-
 35 hicles shall notify the violator and suspend the license of the violator until
 36 satisfactory evidence of compliance with the terms of the traffic citation
 37 has been furnished to the informing court. When the court determines
 38 the person has complied with the terms of the traffic citation, the court
 39 shall immediately electronically notify the division of vehicles of such
 40 compliance. Upon receipt of notification of such compliance from the
 41 informing court, the division of vehicles shall terminate the suspension
 42 or suspension action.

43 (c) Except as provided in subsection (d), when the district or munic-

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1 from the applicant for a marriage license a fee of \$59.

2 (b) The clerk of the court shall remit all fees prescribed by this section
3 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
4 and amendments thereto. Upon receipt of each such remittance, the state
5 treasurer shall deposit the entire amount in the state treasury. Of each
6 remittance, the state treasurer shall credit 38.98% to the protection from
7 abuse fund, 15.19% to the family and children trust account of the family
8 and children investment fund created by K.S.A. 38-1808, and amend-
9 ments thereto, 16.95% to the crime victims assistance fund created by
10 K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial branch
11 nonjudicial salary adjustment fund created by K.S.A. 2008 Supp. 20-1a15,
12 and amendments thereto, and the remainder to the state general fund.

13 ~~(c) The marriage license fee established in this section shall be the~~
14 ~~only fee collected or moneys in the nature of a fee collected for a marriage~~
15 ~~license. Such fee shall only be established by an act of the legislature and~~
16 ~~no other authority is established by law or otherwise to collect a fee.~~
17 ~~Notwithstanding any provision of law to the contrary, the supreme court~~
18 ~~is hereby authorized to establish additional charges for court procedures.~~

19 Sec. 4. K.S.A. 2008 Supp. 28-170 is hereby amended to read as fol-
20 lows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001 and
21 amendments thereto and the fees for service of process, shall be the only
22 costs assessed for services of the clerk of the district court and the sheriff
23 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
24 Annotated, and amendments thereto, except that no fee shall be charged
25 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
26 31a01 et seq., and amendments thereto. For services in other matters in
27 which no other fee is prescribed by statute, the following fees shall be
28 charged and collected by the clerk. Only one fee shall be charged for each
29 bond, lien or judgment:

- 30 1. For filing, entering and releasing a bond, mechanic's lien, notice
31 of intent to perform, personal property tax judgment or any judg-
32 ment on which execution process cannot be issued \$14
- 33 2. For filing, entering and releasing a judgment of a court of this
34 state on which execution or other process can be issued \$24
- 35 3. For a certificate, or for copying or certifying any paper or writ,
36 such fee as shall be prescribed by the district court.

37 (b) The fees for entries, certificates and other papers required in
38 naturalization cases shall be those prescribed by the federal government
39 and, when collected, shall be disbursed as prescribed by the federal gov-
40 ernment. The clerk of the court shall remit to the state treasurer at least
41 monthly all moneys received from fees prescribed by subsection (a) or
42 (b) or received for any services performed which may be required by law.
43 The state treasurer shall deposit the remittance in the state treasury and

Except as provided further, the marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per marriage license fee, to fund the costs of non-judicial personnel.



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1 ipal court notifies the division of vehicles of a failure to comply with a
 2 traffic citation pursuant to subsection (b), the court shall assess a rein-
 3 statement fee of \$59 for each charge on which the person failed to make
 4 satisfaction regardless of the disposition of the charge for which such
 5 citation was originally issued. Such reinstatement fee shall be in addition
 6 to any fine, district or municipal court costs and other penalties. The court
 7 shall remit all reinstatement fees to the state treasurer in accordance with
 8 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 9 of each such remittance, the state treasurer shall deposit the entire
 10 amount in the state treasury and shall credit 42.37% of such moneys to
 11 the division of vehicles operating fund, 31.78% to the community alco-
 12 holism and intoxication programs fund created by K.S.A. 41-1126, and
 13 amendments thereto, 10.59% to the juvenile detention facilities fund cre-
 14 ated by K.S.A. 79-4803, and amendments thereto, and 15.26% to the
 15 judicial branch nonjudicial salary adjustment fund created by K.S.A. 2008
 16 Supp. 20-1a15, and amendments thereto.

17 (d) The district court or municipal court shall waive the reinstatement
 18 fee provided for in subsection (c), if the failure to comply with a traffic
 19 citation was the result of such person enlisting in or being drafted into
 20 the armed services of the United States, being called into service as a
 21 member of a reserve component of the military service of the United
 22 States, or volunteering for such active duty, or being called into service
 23 as a member of the state of Kansas national guard, or volunteering for
 24 such active duty, and being absent from Kansas because of such military
 25 service. In any case of a failure to comply with a traffic citation which
 26 occurred on or after August 1, 1990, and prior to the effective date of
 27 this act, in which a person was assessed and paid a reinstatement fee and
 28 the person failed to comply with a traffic citation because the person was
 29 absent from Kansas because of any such military service, the reinstate-
 30 ment fee shall be reimbursed to such person upon application therefor.
 31 The state treasurer and the director of accounts and reports shall pre-
 32 scribe procedures for all such reimbursement payments and shall create
 33 appropriate accounts, make appropriate accounting entries and issue such
 34 appropriate vouchers and warrants as may be required to make such re-
 35 imbursement payments.

36 (e) ~~The reinstatement fee established in this section shall be the only~~
 37 ~~fee collected or moneys in the nature of a fee collected for such rein-~~
 38 ~~statement. Such fee shall only be established by an act of the legislature~~
 39 ~~and no other authority is established by law or otherwise to collect a fee.~~
 40 ~~Notwithstanding any provision of law to the contrary, the supreme court~~
 41 ~~is hereby authorized to establish additional charges for court procedures.~~

42 Sec. 3. K.S.A. 2008 Supp. 23-108a is hereby amended to read as
 43 follows: 23-108a. (a) The judge or clerk of the district court shall collect

Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per reinstatement fee, to fund the costs of non-judicial personnel.



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1 credit the entire amount to the state general fund.

2 (c) In actions pursuant to the revised Kansas code for care of children
3 (K.S.A. 2008 Supp. 38-2201 et seq. and amendments thereto), the revised
4 Kansas juvenile justice code (K.S.A. 2008 Supp. 38-2301 et seq. and
5 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
6 et seq. and amendments thereto), the act for treatment of drug abuse
7 (K.S.A. 65-5201 et seq. and amendments thereto) or the care and treat-
8 ment act for mentally ill persons (K.S.A. 59-2945 et seq. and amendments
9 thereto), the clerk shall charge an additional fee of \$1 which shall be
10 deducted from the docket fee and credited to the prosecuting attorneys'
11 training fund as provided in K.S.A. 28-170a and amendments thereto.

12 (d) In actions pursuant to the revised Kansas code for care of children
13 (K.S.A. 2008 Supp. 38-2201 et seq. and amendments thereto), the revised
14 Kansas juvenile justice code (K.S.A. 2008 Supp. 38-2301 et seq. and
15 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
16 et seq. and amendments thereto), the act for treatment of drug abuse
17 (K.S.A. 65-5201 et seq. and amendments thereto) or the care and treat-
18 ment act for mentally ill persons (K.S.A. 59-2945 et seq. and amendments
19 thereto), the clerk shall charge an additional fee of \$.50 which shall be
20 deducted from the docket fee and credited to the indigents' defense serv-
21 ices fund as provided in K.S.A. 28-172b and amendments thereto.

22 (e) ~~The bond, lien or judgment fee established in subsection (a) shall
23 be the only fee collected or moneys in the nature of a fee collected for
24 such bond, lien or judgment. Such fee shall only be established by an act
25 of the legislature and no other authority is established by law or otherwise
26 to collect a fee. Notwithstanding any provision of law to the contrary, the
27 supreme court is hereby authorized to establish additional charges for
28 court procedures.~~

29 Sec. 5. K.S.A. 2008 Supp. 28-172a is hereby amended to read as
30 follows: 28-172a. (a) Except as otherwise provided in this section, when-
31 ever the prosecuting witness or defendant is adjudged to pay the costs in
32 a criminal proceeding in any county, a docket fee shall be taxed as follows:

33 (1) On and after July 1, 2008 through June 30, 2010:

| | | |
|----|--------------------------------|----------|
| 34 | Murder or manslaughter..... | \$181.50 |
| 35 | Other felony..... | 172.00 |
| 36 | Misdemeanor..... | 137.00 |
| 37 | Forfeited recognizance..... | 73.50 |
| 38 | Appeals from other courts..... | 73.50 |

39 (2) On and after July 1, 2010:

| | | |
|----|-----------------------------|----------|
| 40 | Murder or manslaughter..... | \$179.50 |
| 41 | Other felony..... | 170.00 |
| 42 | Misdemeanor..... | 135.00 |
| 43 | Forfeited recognizance..... | 71.50 |

Except as provided further, the bond, lien or judgment fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.

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1 Appeals from other courts..... 71.50

2 (b) (1) Except as provided in paragraph (2), in actions involving the
3 violation of any of the laws of this state regulating traffic on highways
4 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
5 ments thereto), a cigarette or tobacco infraction, any act declared a crime
6 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
7 notated and amendments thereto or any act declared a crime pursuant
8 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
9 Annotated, and amendments thereto, whenever the prosecuting witness
10 or defendant is adjudged to pay the costs in the action, on and after July
11 1, 2008 through June 30, 2010, a docket fee of \$75 shall be charged, and
12 on and after July 1, 2010, a docket fee of \$73 shall be charged. When an
13 action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or
14 subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by
15 mail or in person, on and after July 1, 2008 through June 30, 2010, the
16 docket fee to be paid as court costs shall be \$75, and on and after July 1,
17 2010, the docket fee to be paid as court costs shall be \$73.

18 (2) In actions involving the violation of a moving traffic violation un-
19 der K.S.A. 8-2118, and amendments thereto, as defined by rules and
20 regulations adopted under K.S.A. 8-249, and amendments thereto, when-
21 ever the prosecuting witness or defendant is adjudged to pay the costs in
22 the action, on and after July 1, 2008 through June 30, 2010, a docket fee
23 of \$75 shall be charged, and on and after July 1, 2010, a docket fee of
24 \$73 shall be charged. When an action is disposed of under subsection (a)
25 and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or
26 in person, on and after July 1, 2008 through June 30, 2010, the docket
27 fee to be paid as court costs shall be \$75, and on and after July 1, 2010,
28 the docket fee to be paid as court costs shall be \$73.

29 (c) If a conviction is on more than one count, the docket fee shall be
30 the highest one applicable to any one of the counts. The prosecuting
31 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
32 defendants shall each pay one fee.

33 (d) Statutory charges for law library funds, the law enforcement train-
34 ing center fund, the prosecuting attorneys' training fund, the juvenile
35 detention facilities fund, the judicial branch education fund, the emer-
36 gency medical services operating fund and the judiciary technology fund
37 shall be paid from the docket fee; the family violence and child abuse and
38 neglect assistance and prevention fund fee shall be paid from criminal
39 proceedings docket fees. All other fees and expenses to be assessed as
40 additional court costs shall be approved by the court, unless specifically
41 fixed by statute. Additional fees shall include, but are not limited to, fees
42 for Kansas bureau of investigation forensic or laboratory analyses, fees for
43 detention facility processing pursuant to K.S.A. 12-16,119, and amend-

6-9

1 ments thereto, fees for the sexual assault evidence collection kit, fees for
2 conducting an examination of a sexual assault victim, fees for service of
3 process outside the state, witness fees, fees for transcripts and deposi-
4 tions, costs from other courts, doctors' fees and examination and evalu-
5 ation fees. No sheriff in this state shall charge any district court of this
6 state a fee or mileage for serving any paper or process.

7 (e) In each case charging a violation of the laws relating to parking
8 of motor vehicles on the statehouse grounds or other state-owned or
9 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
10 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
11 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
12 the entire costs in the case, except that witness fees, mileage and expenses
13 incurred in serving a warrant shall be in addition to the fee. Appearance
14 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
15 ments thereto, shall be \$3, unless a warrant is issued. The judge may
16 order the bond forfeited upon the defendant's failure to appear, and \$2
17 of any bond so forfeited shall be regarded as court costs.

18 (f) ~~The docket fee established in this section shall be the only fee~~
19 ~~collected or moneys in the nature of a fee collected for the docket fee.~~
20 ~~Such fee shall only be established by an act of the legislature and no other~~
21 ~~authority is established by law or otherwise to collect a fee. Notwithstand-~~
22 ~~ing any provision of law to the contrary, the supreme court is hereby~~
23 ~~authorized to establish additional charges for court procedures.~~

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

24 Sec. 6. K.S.A. 2008 Supp. 28-177 is hereby amended to read as fol-
25 lows: 28-177. ~~The fees established by legislative enactment shall be the~~
26 ~~only fee collected or moneys in the nature of a fee collected for court~~
27 ~~procedures. Such fee shall only be established by an act of the legislature~~
28 ~~and no other authority is established by law or otherwise to collect a fee.~~
29 ~~Court procedures shall include docket fees, filing fees or other fees re-~~
30 ~~lated to access to court procedures. Notwithstanding any provision of law~~
31 ~~to the contrary, the supreme court is hereby authorized to establish ad-~~
32 ~~ditional charges for court procedures.~~

Except as provided further, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.

33 Sec. 7. K.S.A. 2008 Supp. 38-2215 is hereby amended to read as
34 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
35 this code, if one is assessed as provided in this section, shall be \$34. Only
36 one docket fee shall be assessed in each case. ~~Notwithstanding any pro-~~
37 ~~vision of law to the contrary, the supreme court is hereby authorized to~~
38 ~~establish additional charges for court procedures.~~

39 (b) *Expenses.* The expenses for proceedings under this code, includ-
40 ing fees and mileage allowed witnesses and fees and expenses approved
41 by the court for appointed attorneys, shall be paid by the board of county
42 commissioners from the general fund of the county.

43 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket

1 fee may be assessed or waived by the court conducting the initial dispos-
 2 itional hearing and the docket fee may be assessed against the complain-
 3 ing witness or person initiating the proceedings or a party or interested
 4 party other than the state, a political subdivision of the state, an agency
 5 of the state or of a political subdivision of the state, or a person acting in
 6 the capacity of an employee of the state or of a political subdivision of
 7 the state. Any docket fee received shall be remitted to the state treasurer
 8 pursuant to K.S.A. 20-362, and amendments thereto.

9 (2) *Expenses.* Expenses may be assessed against the complaining wit-
 10 ness, a person initiating the proceedings, a party or an interested party,
 11 other than the state, a political subdivision of the state, an agency of the
 12 state or of a political subdivision of the state or a person acting in the
 13 capacity of an employee of the state or of a political subdivision of the
 14 state. When expenses are recovered from a person against whom they
 15 have been assessed the general fund of the county shall be reimbursed
 16 in the amount of the recovery. If it appears to the court in any proceedings
 17 under this code that expenses were unreasonably incurred at the request
 18 of any party the court may assess that portion of the expenses against the
 19 party.

20 (d) *Cases in which venue is transferred.* If venue is transferred from
 21 one county to another, the court from which the case is transferred shall
 22 send to the receiving court a statement of expenses paid from the general
 23 fund of the sending county. If the receiving court collects any of the
 24 expenses owed in the case, the receiving court shall pay to the sending
 25 court an amount proportional to the sending court's share of the total
 26 expenses owed to both counties. The expenses of the sending county shall
 27 not be an obligation of the receiving county except to the extent that the
 28 sending county's proportion of the expenses is collected by the receiving
 29 court. All amounts collected shall first be applied toward payment of the
 30 docket fee.

31 Sec. 8. K.S.A. 2008 Supp. 38-2314 is hereby amended to read as
 32 follows: 38-2314. (a) *Docket fee.* The docket fee for proceedings under
 33 this code, if one is assessed as provided by this section, shall be \$34. Only
 34 one docket fee shall be assessed in each case. ~~Notwithstanding any pro-
 35 vision of law to the contrary, the supreme court is hereby authorized to
 36 establish additional charges for court procedures.~~

37 (b) *Expenses.* The expenses for proceedings under this code, includ-
 38 ing fees and mileage allowed witnesses and fees and expenses approved
 39 by the court for appointed attorneys, shall be paid by the board of county
 40 commissioners from the general fund of the county.

41 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
 42 fee may be assessed or waived by the court conducting the initial sen-
 43 tencing hearing and may be assessed against the juvenile or the parent of

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

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1 the juvenile. Any docket fee received shall be remitted to the state trea-
2 surer pursuant to K.S.A. 20-362, and amendments thereto.

3 (2) *Expenses.* Expenses may be waived or assessed against the juve-
4 nile or a parent of the juvenile. When expenses are recovered from a
5 party against whom they have been assessed the general fund of the
6 county shall be reimbursed in the amount of the recovery.

7 (3) *Prohibited assessment.* Docket fees or expenses shall not be as-
8 sessed against the state, a political subdivision of the state, an agency of
9 the state or of a political subdivision of the state or a person acting in the
10 capacity of an employee of the state or of a political subdivision of the
11 state.

12 (d) *Cases in which venue is transferred.* If venue is transferred from
13 one county to another, the court from which the case is transferred shall
14 send to the receiving court a statement of expenses paid from the general
15 fund of the sending county. If the receiving court collects any of the
16 expenses owed in the case, the receiving court shall pay to the sending
17 court an amount proportional to the sending court's share of the total
18 expenses owed to both counties. The expenses of the sending county shall
19 not be an obligation of the receiving county except to the extent that the
20 sending county's proportionate share of the expenses is collected by the
21 receiving court. Unless otherwise ordered by the court, all amounts col-
22 lected shall first be applied toward payment of restitution, then toward
23 the payment of the docket fee.

24 Sec. 9. K.S.A. 2008 Supp. 59-104 is hereby amended to read as fol-
25 lows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law, no
26 case shall be filed or docketed in the district court under the provisions
27 of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52
28 of chapter 65 of the Kansas Statutes Annotated without payment of an
29 appropriate docket fee as follows:

30 (A) On and after July 1, 2008 through June 30, 2010:

| | | |
|----|---|---------|
| 31 | Treatment of mentally ill | \$59.00 |
| 32 | Treatment of alcoholism or drug abuse..... | 36.50 |
| 33 | Determination of descent of property | 51.50 |
| 34 | Termination of life estate..... | 50.50 |
| 35 | Termination of joint tenancy | 50.50 |
| 36 | Refusal to grant letters of administration | 50.50 |
| 37 | Adoption..... | 50.50 |
| 38 | Filing a will and affidavit under K.S.A. 59-618a..... | 50.50 |
| 39 | Guardianship | 71.50 |
| 40 | Conservatorship | 71.50 |
| 41 | Trusteeship | 71.50 |
| 42 | Combined guardianship and conservatorship..... | 71.50 |

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| | | |
|----|---|--------|
| 1 | Certified probate proceedings under K.S.A. 59-213, and amendments | |
| 2 | thereto | 25.50 |
| 3 | Decrees in probate from another state | 110.50 |
| 4 | Probate of an estate or of a will | 111.50 |
| 5 | Civil commitment under K.S.A. 59-29a01 et seq. | 35.50 |
| 6 | (B) On and after July 1, 2010: | |
| 7 | Treatment of mentally ill | 34.50 |
| 8 | Treatment of alcoholism or drug abuse | 34.50 |
| 9 | Determination of descent of property | 49.50 |
| 10 | Termination of life estate | 48.50 |
| 11 | Termination of joint tenancy | 48.50 |
| 12 | Refusal to grant letters of administration | 48.50 |
| 13 | Adoption | 48.50 |
| 14 | Filing a will and affidavit under K.S.A. 59-618a | 48.50 |
| 15 | Guardianship | 69.50 |
| 16 | Conservatorship | 69.50 |
| 17 | Trusteeship | 69.50 |
| 18 | Combined guardianship and conservatorship | 69.50 |
| 19 | Certified probate proceedings under K.S.A. 59-213, and amendments | |
| 20 | thereto | 23.50 |
| 21 | Decrees in probate from another state | 108.50 |
| 22 | Probate of an estate or of a will | 109.50 |
| 23 | Civil commitment under K.S.A. 59-29a01 et seq. | 33.50 |

24 (2) ~~The docket fee established in this subsection shall be the only fee~~
 25 ~~collected or moneys in the nature of a fee collected for the docket fee.~~
 26 ~~Such fee shall only be established by an act of the legislature and no other~~
 27 ~~authority is established by law or otherwise to collect a fee. Notwithstand-~~
 28 ~~ing any provision of law to the contrary, the supreme court is hereby~~
 29 ~~authorized to establish additional charges for court procedures.~~

30 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The pro-
 31 visions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and
 32 amendments thereto, shall apply to probate docket fees prescribed by
 33 this section.

34 (c) *Disposition of docket fee.* Statutory charges for the law library and
 35 for the prosecuting attorneys' training fund shall be paid from the docket
 36 fee. The remainder of the docket fee shall be paid to the state treasurer
 37 in accordance with K.S.A. 20-362, and amendments thereto.

38 (d) *Additional court costs.* Other fees and expenses to be assessed as
 39 additional court costs shall be approved by the court, unless specifically
 40 fixed by statute. Other fees shall include, but not be limited to, witness
 41 fees, appraiser fees, fees for service of process outside the state, fees for
 42 depositions, transcripts and publication of legal notice, executor or ad-
 43 ministrator fees, attorney fees, court costs from other courts and any other

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

1 fees and expenses required by statute. All additional court costs shall be
2 taxed and billed against the parties or estate as directed by the court. No
3 sheriff in this state shall charge any district court in this state a fee or
4 mileage for serving any paper or process.

5 Sec. 10. K.S.A. 2008 Supp. 60-1621 is hereby amended to read as
6 follows: 60-1621. (a) No post-decree motion petitioning for a modification
7 or termination of separate maintenance, for a change in legal custody,
8 residency, visitation rights or parenting time or for a modification of child
9 support shall be filed or docketed in the district court without payment
10 of a docket fee in the amount of \$42 on and after July 1, 2008 through
11 June 30, 2010, and \$40 on and after July 1, 2010, to the clerk of the
12 district court.

13 (b) A poverty affidavit may be filed in lieu of a docket fee as estab-
14 lished in K.S.A. 60-2001, and amendments thereto.

15 (c) The docket fee shall be the only costs assessed in each case for
16 services of the clerk of the district court and the sheriff. The docket fee
17 shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and
18 amendments thereto.

19 (d) ~~The docket fee established in this section shall be the only fee
20 collected or moneys in the nature of a fee collected for the docket fee.
21 Such fee shall only be established by an act of the legislature and no other
22 authority is established by law or otherwise to collect a fee. Notwithstand-
23 ing any provision of law to the contrary, the supreme court is hereby
24 authorized to establish additional charges for court procedures.~~

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

25 Sec. 11. K.S.A. 2008 Supp. 60-2001 is hereby amended to read as
26 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
27 case shall be filed or docketed in the district court, whether original or
28 appealed, without payment of a docket fee in the amount of \$156 on and
29 after July 1, 2008 through June 30, 2010, and \$154 on and after July 1,
30 2010, to the clerk of the district court. ~~The docket fee established in this
31 subsection shall be the only fee collected or moneys in the nature of a
32 fee collected for the docket fee. Such fee shall only be established by an
33 act of the legislature and no other authority is established by law or oth-
34 erwise to collect a fee. Notwithstanding any provision of law to the con-
35 trary, the supreme court is hereby authorized to establish additional
36 charges for court procedures.~~

37 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where
38 a plaintiff by reason of poverty is unable to pay a docket fee, and an
39 affidavit so stating is filed, no fee will be required. An inmate in the
40 custody of the secretary of corrections may file a poverty affidavit only if
41 the inmate attaches a statement disclosing the average account balance,
42 or the total deposits, whichever is less, in the inmate's trust fund for each
43 month in (A) the six-month period preceding the filing of the action; or

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1 (B) the current period of incarceration, whichever is shorter. Such state-
2 ment shall be certified by the secretary. On receipt of the affidavit and
3 attached statement, the court shall determine the initial fee to be assessed
4 for filing the action and in no event shall the court require an inmate to
5 pay less than \$3. The secretary of corrections is hereby authorized to
6 disburse money from the inmate's account to pay the costs as determined
7 by the court. If the inmate has a zero balance in such inmate's account,
8 the secretary shall debit such account in the amount of \$3 per filing fee
9 as established by the court until money is credited to the account to pay
10 such docket fee. Any initial filing fees assessed pursuant to this subsection
11 shall not prevent the court, pursuant to subsection (d), from taxing that
12 individual for the remainder of the amount required under subsection (a)
13 or this subsection.

14 (2) *Form of affidavit.* The affidavit provided for in this subsection
15 shall be in the following form and attached to the petition:

16 State of Kansas, _____ County.

17 In the district court of the county: I do solemnly swear that the claim set forth in the
18 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to
19 pay a docket fee.

20 (c) *Disposition of fees.* The docket fees and the fees for service of
21 process shall be the only costs assessed in each case for services of the
22 clerk of the district court and the sheriff. For every person to be served
23 by the sheriff, the persons requesting service of process shall provide
24 proper payment to the clerk and the clerk of the district court shall for-
25 ward the service of process fee to the sheriff in accordance with K.S.A.
26 28-110, and amendments thereto. The service of process fee, if paid by
27 check or money order, shall be made payable to the sheriff. Such service
28 of process fee shall be submitted by the sheriff at least monthly to the
29 county treasurer for deposit in the county treasury and credited to the
30 county general fund. The docket fee shall be disbursed in accordance
31 with K.S.A. 20-362 and amendments thereto.

32 (d) *Additional court costs.* Other fees and expenses to be assessed as
33 additional court costs shall be approved by the court, unless specifically
34 fixed by statute. Other fees shall include, but not be limited to, witness
35 fees, appraiser fees, fees for service of process, fees for depositions, al-
36 ternative dispute resolution fees, transcripts and publication, attorney
37 fees, court costs from other courts and any other fees and expenses re-
38 quired by statute. All additional court costs shall be taxed and billed
39 against the parties as directed by the court. No sheriff in this state shall
40 charge any mileage for serving any papers or process.

41 Sec. 12. K.S.A. 2008 Supp. 60-2203a is hereby amended to read as
42 follows: 60-2203a. (a) After the commencement of any action in any dis-
43 trict court of this state, or the courts of the United States in the state of

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1 Kansas or in any action now pending heretofore commenced in such
 2 courts, which does not involve title to real estate, any party to such action
 3 may give notice in any other county of the state of the pendency of the
 4 action by filing for record with the clerk of the district court of such other
 5 county a verified statement setting forth the parties to the action, the
 6 nature of the action, the court in which it is pending, and the relief sought,
 7 which shall impart notice of the pendency of the action and shall result
 8 in the same lien rights as if the action were pending in that county. The
 9 lien shall be effective from the time the statement is filed, but not to
 10 exceed four months prior to the entry of judgment except as provided in
 11 subsection (c). The party filing such notice shall within 30 days after any
 12 satisfaction of the judgment entered in such action, or any other final
 13 disposition thereof, cause to be filed with such clerk of the district court
 14 a notice that all claims in such action are released. If the party filing fails
 15 or neglects to do so after reasonable demand by any party in interest,
 16 such party shall be liable in damages in the same amounts and manner
 17 as is provided by law for failure of a mortgagee to enter satisfaction of a
 18 mortgage. Upon the filing of such a notice of the pendency of an action
 19 the clerk shall charge a fee of \$14 and shall enter and index the action in
 20 the same manner as for the filing of an original action. Upon the filing of
 21 a notice of release, the notice shall likewise be entered on the docket.
 22 ~~The fee established in this subsection shall be the only fee collected or~~
 23 ~~moneys in the nature of a fee collected for the court procedure. Such fee~~
 24 ~~shall only be established by an act of the legislature and no other authority~~
 25 ~~is established by law or otherwise to collect a fee. Notwithstanding any~~
 26 ~~provision of law to the contrary, the supreme court is hereby authorized~~
 27 ~~to establish additional charges for court procedures.~~ ←

Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.

28 (b) Any notice of the type provided for in subsection (a) which was
 29 filed on or after January 10, 1977, and prior to the effective date of this
 30 act shall be deemed to impart notice of the pendency of the action in the
 31 same manner as if the provisions of subsection (a) were in force and effect
 32 on and after January 10, 1977.

33 (c) Notwithstanding the foregoing provisions of this section, the filing
 34 of a notice of the pendency of an action pursuant to subsection (a) shall
 35 create no lien rights against the property of an employee of the state or
 36 a municipality prior to the date judgment is rendered if the pleadings in
 37 the pending action allege a negligent or wrongful act or omission of the
 38 employee while acting within the scope of such employee's employment,
 39 regardless of whether or not it is alleged in the alternative that the em-
 40 ployee was acting outside of such employee's employment. A judgment
 41 against an employee shall become a lien upon such employee's property
 42 in the county where notice is filed pursuant to subsection (a) when the
 43 judgment is rendered only if it is found that (1) the employee's negligent

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1 or wrongful act or omission occurred when the employee was acting out-
2 side the scope of such employee’s employment or (2) the employee’s
3 conduct which gave rise to the judgment was because of actual fraud or
4 actual malice of the employee. In such cases the lien shall not be effective
5 prior to the date judgment was rendered. As used in this subsection (c),
6 “employee” shall have the meaning ascribed to such term in K.S.A. 75-
7 6102, and amendments thereto.

8 Sec. 13. K.S.A. 2008 Supp. 61-2704 is hereby amended to read as
9 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
10 be considered to have been commenced at the time a person files a writ-
11 ten statement of the person’s small claim with the clerk of the court if,
12 within 90 days after the small claim is filed, service of process is obtained
13 or the first publication is made for service by publication. Otherwise, the
14 action is deemed commenced at the time of service of process or first
15 publication. An entry of appearance shall have the same effect as service.

16 (b) Upon the filing of a plaintiff’s small claim, the clerk of the court
17 shall require from the plaintiff a docket fee of \$39 on and after July 1,
18 2008 through June 30, 2010, and \$37 on and after July 1, 2010, if the
19 claim does not exceed \$500; or \$59 on and after July 1, 2008 through
20 June 30, 2010, and \$57 on and after July 1, 2010, if the claim exceeds
21 \$500; unless for good cause shown the judge waives the fee. The docket
22 fee shall be the only costs required in an action seeking recovery of a
23 small claim. No person may file more than 20 small claims under this act
24 in the same court during any calendar year.

25 ~~(c) The docket fee established in this section shall be the only fee~~
26 ~~collected or moneys in the nature of a fee collected for the docket fee.~~
27 ~~Such fee shall only be established by an act of the legislature and no other~~
28 ~~authority is established by law or otherwise to collect a fee. Notwithstand-~~
29 ~~ing any provision of law to the contrary, the supreme court is hereby~~
30 ~~authorized to establish additional charges for court procedures.~~

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

31 Sec. 14. K.S.A. 2008 Supp. 61-4001 is hereby amended to read as
32 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pur-
33 suant to the code of civil procedure for limited actions without the pay-
34 ment of a docket fee in the amount of \$37 on and after July 1, 2008
35 through June 30, 2010, and \$35 on and after July 1, 2010, if the amount
36 in controversy or claimed does not exceed \$500; \$57 on and after July 1,
37 2008 through June 30, 2010, and \$55 on and after July 1, 2010, if the
38 amount in controversy or claimed exceeds \$500 but does not exceed
39 \$5,000; or \$103 on and after July 1, 2008 through June 30, 2010, and
40 \$101 on and after July 1, 2010, if the amount in controversy or claimed
41 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
42 may enter judgment for the plaintiff for the amount of the docket fee
43 paid by the plaintiff.

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1 (b) Poverty affidavit; additional court costs; exemptions for the state
2 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
3 60-2001 and 60-2005 and amendments thereto, shall be applicable to
4 lawsuits brought under the code of civil procedure for limited actions.

5 (c) ~~The docket fee established in this section shall be the only fee
6 collected or moneys in the nature of a fee collected for the docket fee.
7 Such fee shall only be established by an act of the legislature and no other
8 authority is established by law or otherwise to collect a fee. Notwithstand-
9 ing any provision of law to the contrary, the supreme court is hereby
10 authorized to establish additional charges for court procedures.~~

Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

11 Sec. 15. K.S.A. 2008 Supp. 8-2107, 8-2110, 23-108a, 28-170, 28-
12 172a, 28-177, 38-1511, 38-1613, 38-2215, 38-2314, 59-104, 60-1621, 60-
13 2001, 60-2203a, 61-2704 and 61-4001 are hereby repealed.

14 Sec. 16. This act shall take effect and be in force from and after its
15 publication in the statute book **Kansas register**.

SENATE BILL No. 237

By Committee on Judiciary

2-6

Balloon 1 - Technical

House Judiciary
Date 3-18-09
Attachment # 2

10 AN ACT concerning scrap metal; relating to regulation thereof; amend-
11 ing K.S.A. 2008 Supp. 50-6,109, 50-6,110, 50-6,111 and 50-6,112 and
12 repealing the existing sections.
13

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

15 Section 1. K.S.A. 2008 Supp. 50-6,109 is hereby amended to read as
16 follows: 50-6,109. As used in K.S.A. 2008 Supp. 50-6,109 through 50-
17 6,112, and amendments thereto:

18 (a) "Scrap metal dealer" means any person that operates a business
19 out of a fixed location, and that is also either:

20 (1) Engaged in the business of buying and dealing in regulated scrap
21 metal;

22 (2) purchasing, gathering, collecting, soliciting or procuring regulated
23 scrap metal; or

24 (3) operating, carrying on, conducting or maintaining a regulated
25 scrap metal yard or place where regulated scrap metal is gathered to-
26 gether and stored or kept for shipment, sale or transfer.

27 (b) "Regulated scrap metal yard" means any yard, plot, space, enclou-
28 sure, building or any other place where regulated scrap metal is collected,
29 gathered together and stored or kept for shipment, sale or transfer.

30 (c) "Regulated scrap metal" shall mean wire, cable, bars, ingots, wire
31 scraps, pieces, pellets, clamps, aircraft parts, *junk vehicles, vehicle parts,*
32 pipes or connectors made from aluminum; catalytic converters containing
33 platinum, palladium or rhodium; and copper, titanium, tungsten, stainless
34 steel and nickel in any form; for which the purchase price described in
35 K.S.A. 2008 Supp. 50-6,110 and 50-6,111, and amendments thereto, was
36 primarily based on the content therein of aluminum, copper, titanium,
37 tungsten, nickel, platinum, palladium, stainless steel or rhodium; *any item*
38 *composed in whole or in part of any nonferrous metal other than an item*
39 *composed of tin, that is purchased or otherwise acquired for the purpose*
40 *of recycling or storage for later recycling.* Aluminum shall not include
41 food or beverage containers.

42 (d) "Bales of regulated metal" means regulated scrap metal property
43 processed with professional recycling equipment by compression. *shar-*

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1 ing or shredding, to a form in which it may be sold by a scrap metal dealer
2 consistent with industry standards.

3 (e) "Ferrous metal" means a metal that contains iron or steel.

4 (f) "Junk vehicle" means a motor vehicle, aircraft, boat, farming im-
5 plement, industrial equipment, trailer or any other ~~convenience~~ used on
6 the highways and roadways, which has no use or resale value except as
7 scrap.

conveyance

8 (g) "Nonferrous metal" means a metal that does not contain iron or
9 steel, including but not limited to, copper, brass, aluminum, bronze, lead,
10 zinc, nickel and their alloys.

11 (h) "Tin" means a metal consisting predominantly of light sheet metal
12 ferrous scrap, including large and small household appliances, construc-
13 tion siding and construction roofing.

14 (i) "Vehicle part" means either the front clip consisting of the two
15 front fenders, hood, grill and front bumper of an automobile assembled
16 as one unit; or the rear clip consisting of those body parts behind the rear
17 edge of the back doors, including both rear quarter panels, the rear win-
18 dows, trunk lid, trunk floor panel and rear bumper, assembled as one unit.

19 Sec. 2. K.S.A. 2008 Supp. 50-6,110 is hereby amended to read as
20 follows: 50-6,110. (a) ~~Except as provided in subsection (e),~~ it shall be
21 unlawful for any person to sell any item or items of regulated scrap metal
22 to a scrap metal dealer, **or employee or agent of a dealer**, in this state
23 unless such person presents to such scrap metal dealer, **or employee or**
24 **agent of such dealer**, at or before the time of sale, the following infor-
25 mation described below regarding such item or items of regulated scrap
26 metal.

(d)

27 —Such information shall include: The seller's name, address and place
28 of business, if any, sex, date of birth and the identifying number from the
29 seller's driver's license, military identification card, passport or personal
30 identification license. The identifying number from an official govern-
31 mental document for a country other than the United States may be used
32 to meet this requirement provided that a legible fingerprint is also ob-
33 tained from the seller.

34 (b) Every scrap metal dealer shall keep a register in which the dealer,
35 **or employee or agent of the dealer**, shall at the time of purchase or
36 receipt of any item for which such information is required to be pre-
37 sented, cross-reference to previously received information, or enter the
38 name, residence or place of business, if any, of the person from whom
39 the scrap metal dealer purchased or received the item, a description made
40 in accordance with the commodity code standards of the trade of items
41 purchased, the price paid for such item or items, and a copy of the seller's
42 photo driver's license card or another government-issued photo identifi-
43 cation card. ~~accurately and legibly record at the time of sale the following~~

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1 information:

- 2 (1) *The time, date and place of transaction;*
- 3 (2) *the seller's name, address, sex, date of birth, and the identifying*
- 4 *number from the seller's driver's license, military identification card, pass-*
- 5 *port, or personal identification license; the identifying number from an*
- 6 *official governmental document for a country other than the United States*
- 7 *may be used to meet this requirement provided that a legible fingerprint*
- 8 *is also obtained from the seller;*

9 (3) *a copy of the identification card or document containing such*
10 *identifying number;*

11 (4) *the license number, color and style or make of any motor vehicle*
12 *in which the junk vehicle or other regulated scrap metal property is de-*
13 *livered in a purchase transaction;*

14 (5) *a general description, made in accordance with the custom of the*
15 *trade, of the predominant types of junk vehicle or other regulated scrap*
16 *metal property purchased in the transaction;*

17 (6) *the weight, quantity or volume, made in accordance with the cus-*
18 *tom of the trade, of the regulated scrap metal property purchased;*

19 (7) *if a junk vehicle or vehicle part is being bought or sold, a descrip-*
20 *tion of the junk vehicle or vehicle part, including the make, model, color,*
21 *vehicle identification number and serial number if applicable;*

22 (8) *the amount of consideration given in a purchase transaction for*
23 *the junk vehicle or other regulated scrap metal property;* and

24 (9) *the name of the individual acting on behalf of the regulated scrap*
25 *metal dealer in making the purchase;* .

26 (c) The scrap metal dealer's register, including copies of identification
27 cards, may be kept in electronic format.

28 ~~(b)~~ (d) Notwithstanding the foregoing, this section shall not apply to:

29 (1) Transactions involving regulated scrap metal, except for catalytic
30 converters, for which the total sale price for all regulated scrap metal is
31 \$50.00 or less;

32 (2) transactions involving only catalytic converters for which the total
33 sale price is \$30.00 or less;

34 (3) transactions in which the seller is also a scrap metal dealer; or

35 (4) transactions for which the seller is known to the purchasing scrap
36 metal dealer to be an established business that operates out of a fixed
37 business location and that can reasonably be expected to generate regu-
38 lated scrap metal.

39 Sec. 3. K.S.A. 2008 Supp. 50-6,111 is hereby amended to read as
40 follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer,
41 **or employee or agent of the dealer,** to purchase any item or items of
42 regulated scrap metal in a transaction for which K.S.A. 2008 Supp. 50-
43 6,110, and amendments thereto, requires information to be presented by

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1 the seller, without demanding and receiving from the seller that infor-
2 mation. Every scrap metal dealer shall file and maintain a record of in-
3 formation obtained in compliance with the requirements in K.S.A. 2008
4 Supp. 50-6,110, and amendments thereto. All records kept in accordance
5 with the provisions of this act shall be open at all times to peace or law
6 enforcement officers and shall be kept for two years. If the required
7 information is maintained in electronic format, the scrap metal dealer
8 shall provide a printout of the information to peace or law enforcement
9 officers upon request.

10 (b) *It shall be unlawful for any scrap metal dealer, or employee or*
11 *agent of the dealer, to purchase any item or items of regulated scrap*
12 *metal in a transaction for which K.S.A. 2008 Supp. 50-6,110, and amend-*
13 *ments thereto, requires information to be presented by the seller, without*
14 *obtaining from the seller a signed statement that: (1) each item is the*
15 *seller's own personal property, is free of encumbrances and is not stolen;*
16 *or (2) that the seller is acting for the owner and has permission to sell*
17 *each item.*

18 (c) *It shall be unlawful for any scrap metal dealer, or employee or*
19 *agent of the dealer, to purchase any junk vehicle in a transaction for*
20 *which K.S.A. 2008 Supp. 50-6,110, and amendments thereto, requires*
21 *information to be presented by the seller, without: (1) inspecting the ve-*
22 *hicle offered for sale and recording the vehicle identification number; and*
23 *(2) obtaining an appropriate vehicle title or bill of sale issued by a gov-*
24 *ernmentally operated vehicle impound facility if the vehicle purchased*
25 *has been impounded by such facility or agency.*

26 (d) *It shall be unlawful for any scrap metal dealer, or employee or*
27 *agent of the dealer, to, ~~directly or indirectly,~~ purchase or receive any*
28 *regulated scrap metal from a minor ~~or receive any stolen property or any~~*
29 *property which such dealer has reason to believe or suspect cannot be*
30 *rightfully or lawfully sold by the person offering it.*

31 (e) *It shall be unlawful for any scrap metal dealer, or employee or*
32 *agent of the dealer, to purchase any of the following items of regulated*
33 *scrap metal property without obtaining proof that the seller is an em-*
34 *ployee, agent or person who is authorized to sell the item of regulated*
35 *scrap metal property on behalf of the governmental entity, utility pro-*
36 *vider, railroad, cemetery, civic organization or scrap metal dealer:*

- 37 (1) *Utility access cover;*
- 38 (2) *street light poles ~~and~~ or fixtures;*
- 39 (3) *road ~~and~~ or bridge guard rails;*
- 40 (4) *highway or street sign;*
- 41 (5) *water meter cover;*
- 42 (6) *traffic directional ~~and~~ or traffic control signs;*
- 43 (7) *traffic light signals;*

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- 1 (8) any metal marked with any form of the name or initials of a gov-
- 2 ernmental entity;
- 3 (9) property owned and marked by a telephone, cable, electric, water
- 4 or other utility provider;
- 5 (10) property owned and marked by a railroad;
- 6 (11) funeral markers ~~and~~ or vases;
- 7 (12) historical markers;
- 8 (13) bales of regulated ~~scrap~~ metal ~~property~~;
- 9 (14) beer kegs;
- 10 (15) manhole covers;
- 11 (16) fire hydrants or **fire hydrant caps**;
- 12 (17) junk vehicles with missing or altered vehicle identification
- 13 numbers;
- 14 (18) real estate signs; and
- 15 (19) bleachers or risers, **in whole or in part**.

16 (f) It shall be unlawful for any scrap metal dealer, **or employee or**
 17 **agent of the dealer**, to sell, trade, melt or crush, or in any way dispose
 18 of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part
 19 upon notice from any law enforcement agency, or any of their agents or
 20 employees, that they have cause to believe an item has been stolen. A
 21 scrap metal dealer shall hold any of the items that are designated by or
 22 on behalf of the law enforcement agency for 30 days, exclusive of weekends
 23 and holidays.

24 Sec. 4. K.S.A. 2008 Supp. 50-6,112 is hereby amended to read as
 25 follows: 50-6,112. (a) Except as provided in subsections (b) and (c), any
 26 person intentionally violating the provisions of K.S.A. 2008 Supp. 50-
 27 6,109 through 50-6,111, and amendments thereto, shall be guilty of a
 28 class C misdemeanor ~~and shall be subject to a fine of not less than \$200~~
 29 ~~nor more than \$500 or confinement in the county jail for a term of not~~
 30 ~~more than one month, or both such fine and confinement.~~

for which the minimum fine is \$200.

31 (b) Any person convicted of violating the provisions of K.S.A. 2008
 32 Supp. 50-6,109 through 50-6,111, and amendments thereto, for the second
 33 time within a two-year period shall be guilty of a class B misdemeanor
 34 ~~and shall be subject to a fine of not less than \$500 nor more than \$1000~~
 35 ~~or confinement in the county jail for a term of not more than six months,~~
 36 ~~or both such fine and confinement.~~

for which the minimum fine is \$500.

37 (c) Any person convicted of violating the provisions of K.S.A. 2008
 38 Supp. 50-6,109 through 50-6,111, and amendments thereto, for the third
 39 and subsequent times within a two-year period shall be guilty of a class
 40 A misdemeanor ~~and shall be subject to a fine of not less than \$1000 nor~~
 41 ~~more than \$2500 or confinement in the county jail for a term of not more~~
 42 ~~than one year, or both such fine and confinement.~~

for which the minimum fine is \$1,000.

43 Sec. 5. K.S.A. 2008 Supp. 50-6,109, 50-6,110, 50-6,111 and 50-6,112

- 1 are hereby repealed.
- 2 Sec. 6. This act shall take effect and be in force from and after its
- 3 publication in the statute book.

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SENATE BILL No. 237

By Committee on Judiciary

2-6

10 AN ACT concerning scrap metal; relating to regulation thereof; amend-
11 ing K.S.A. 2008 Supp. 50-6,109, 50-6,110, 50-6,111 and 50-6,112 and
12 repealing the existing sections.

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

15 Section 1. K.S.A. 2008 Supp. 50-6,109 is hereby amended to read as
16 follows: 50-6,109. As used in K.S.A. 2008 Supp. 50-6,109 through 50-
17 6,112, and amendments thereto:

18 (a) "Scrap metal dealer" means any person that operates a business
19 out of a fixed location, and that is also either:

20 (1) Engaged in the business of buying and dealing in regulated scrap
21 metal;

22 (2) purchasing, gathering, collecting, soliciting or procuring regulated
23 scrap metal; or

24 (3) operating, carrying on, conducting or maintaining a regulated
25 scrap metal yard or place where regulated scrap metal is gathered to-
26 gether and stored or kept for shipment, sale or transfer.

27 (b) "Regulated scrap metal yard" means any yard, plot, space, enclo-
28 sure, building or any other place where regulated scrap metal is collected,
29 gathered together and stored or kept for shipment, sale or transfer.

30 (c) "Regulated scrap metal" shall mean wire, cable, bars, ingots, wire
31 scraps, pieces, pellets, clamps, aircraft parts, *junk vehicles, vehicle parts,*
32 pipes or connectors made from aluminum; catalytic converters containing
33 platinum, palladium or rhodium; and copper, titanium, tungsten, stainless
34 steel and nickel in any form; for which the purchase price described in
35 K.S.A. 2008 Supp. 50-6,110 and 50-6,111, and amendments thereto, was
36 primarily based on the content therein of aluminum, copper, titanium,
37 tungsten, nickel, platinum, palladium, stainless steel or rhodium; *any item*
38 *composed in whole or in part of any nonferrous metal other than an item*
39 *composed of tin, that is purchased or otherwise acquired for the purpose*
40 *of recycling or storage for later recycling.* Aluminum shall not include
41 food or beverage containers.

(d) "Bales of regulated metal" means regulated scrap metal property
processed with professional recycling equipment by compression, shear-

House Judiciary
Date 3-18-09
Attachment # 3

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1 ing or shredding, to a form in which it may be sold by a scrap metal dealer
consistent with industry standards.

(e) "Ferrous metal" means a metal that contains iron or steel.

4 (f) "Junk vehicle" means a ~~motor~~ vehicle, aircraft, boat, farming im-
5 plement, industrial equipment, trailer or any other convenience used on
6 the highways and roadways, which has no use or resale value except as
7 scrap.

8 (g) "Nonferrous metal" means a metal that does not contain iron or
9 steel, including but not limited to, copper, brass, aluminum, bronze, lead,
10 zinc, nickel and their alloys.

11 (h) "Tin" means a metal consisting predominantly of light sheet metal
12 ferrous scrap, including large and small household appliances, construc-
13 tion siding and construction roofing.

14 (i) "Vehicle part" means ~~either~~ the front clip consisting of the two
15 front fenders, hood, grill and front bumper of an automobile assembled
16 as one unit; or the rear clip consisting of those body parts behind the rear
17 edge of the back doors, including both rear quarter panels, the rear win-
18 dows, trunk lid, trunk floor panel and rear bumper, assembled as one unit.

19 Sec. 2. K.S.A. 2008 Supp. 50-6,110 is hereby amended to read as
20 follows: 50-6,110. (a) Except as provided in subsection (e), it shall be
21 unlawful for any person to sell any item or items of regulated scrap metal
22 to a scrap metal dealer, **or employee or agent of a dealer**, in this state
23 unless such person presents to such scrap metal dealer, **or employee or**
24 **agent of such dealer**, at or before the time of sale, the following infor-
25 mation described below regarding such item or items of regulated scrap
26 metal:

27 ~~Such information shall include:~~ The seller's name, address and place
28 of business, if any, sex, date of birth and the identifying number from the
29 seller's driver's license, military identification card, passport or personal
30 identification license. The identifying number from an official govern-
31 mental document for a country other than the United States may be used
32 to meet this requirement provided that a legible fingerprint is also ob-
33 tained from the seller.

34 (b) Every scrap metal dealer shall keep a register in which the dealer,
35 **or employee or agent of the dealer**, shall at the time of purchase or
36 receipt of any item for which such information is required to be pre-
37 sented, cross-reference to previously received information, or enter the
38 name, residence or place of business, if any, of the person from whom
39 the scrap metal dealer purchased or received the item, a description made
40 in accordance with the commodity code standards of the trade of items
41 purchased, the price paid for such item or items, and a copy of the seller's
42 photo driver's license card or another government-issued photo identifi-
cation card. accurately and legibly record at the time of sale the following

not requiring a title as provided in chapter 8 of the Kansas
Statutes Annotated, and amendments thereto

; or any other vehicle part