

CHAPTER 102
HOUSE BILL No. 2798

AN ACT concerning civil procedure; relating to immunity from liability for owners of anhydrous ammonia; amending K.S.A. 60-4601 and repealing the existing section.

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

Section 1. K.S.A. 60-4601 is hereby amended to read as follows: 60-4601. 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; or

(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.

(3) "Tampering" means illegally transferring or attempting to transfer anhydrous ammonia from its present container, equipment or storage facility to another container, equipment or storage facility.

(b) A tamperer assumes the risk of any personal injury, death and other economic and noneconomic loss to such tamperer arising from such tamperer's participation in the act of tampering. Owners are immune from suit by a tamperer based on the tamperer's actions.

(c) Owners shall not be held liable or subject to a law suit for any negligent act or omission which may cause personal injury, death or other economic or noneconomic loss to any third party based on the tamperer's actions. The provisions of this subsection shall expire on July 1, ~~2006~~ 2016.

(d) The immunity from liability and suit authorized by this section is expressly waived for owners whose acts or omissions constitute willful, wanton, reckless or intentional conduct.

Sec. 2. K.S.A. 60-4601 is hereby repealed.

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

Approved April 13, 2006.
