

SENATE BILL No. 9

By Committee on Judiciary

1-13

1 AN ACT concerning the code of civil procedure; amending K.S.A. 20-
2 3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206,
3 60-209, 60-211, 60-214, 60-226, 60-235, 60-249, 60-260, 60-270, 60-
4 310, 60-460 and 65-4902 and repealing the existing sections; also
5 repealing K.S.A. 2010 Supp. 38-2305a.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 20-3017 is hereby amended to read as follows: 20-
9 3017. Within ~~twenty (20)~~ 30 days after the date the notice of appeal has
10 been served on the appellee in any case appealed to the court of appeals,
11 any party to such case may file a motion with the clerk of the court of
12 appeals, requesting that such case be transferred to the supreme court for
13 review and final determination by such court. Such motion shall be made
14 in the manner and form prescribed by rules of the supreme court, and it
15 shall allege the existence of one (1) or more of the conditions described in
16 subsection (a) of K.S.A. 20-3016, *and amendments thereto*. The clerk of
17 the court of appeals promptly shall submit any motion made pursuant to
18 this section to the supreme court. The supreme court shall consider such
19 motion and may accept the case for review and final determination or
20 may decline jurisdiction and order that the case be determined by the
21 court of appeals. A party's failure to file a motion in accordance with this
22 section shall be deemed a waiver of any objection by such party to the
23 jurisdiction of the court of appeals.

24 Sec. 2. K.S.A. 2010 Supp. 38-2305 is hereby amended to read as
25 follows: 38-2305. (a) Venue for proceedings in any case involving a
26 juvenile shall be in any county where any act of the alleged offense was
27 committed.

28 (b) Except as provided in subsection (c), venue for sentencing
29 proceedings shall be in the county of the juvenile offender's residence or,
30 if the juvenile offender is not a resident of this state, in the county where
31 the adjudication occurred. When the sentencing hearing is to be held in a
32 county other than where the adjudication occurred, upon adjudication,
33 the judge shall contact the sentencing court and advise the judge of the
34 transfer. The adjudicating court shall send immediately to the sentencing
35 court a facsimile or electronic copy of the complaint, the adjudication
36 journal entry or judge's minutes, if available, and any recommendations

1 in regard to sentencing. The adjudicating court shall also send to the
2 sentencing court a complete copy of the official and social files in the
3 case by mail or electronic means within ~~five working~~ *seven* days of the
4 adjudication.

5 (c) If the juvenile offender is adjudicated in a county other than the
6 county of the juvenile offender's residence, the sentencing hearing may be
7 held in the county in which the adjudication was made or, if there are not
8 any ongoing proceedings under the Kansas code for care of children, in
9 the county of the residence of the custodial parent, parents, guardian or
10 conservator if the adjudicating judge, upon motion, finds that it is in the
11 interest of justice. If there are ongoing proceedings under the revised
12 Kansas code for care of children, then the sentencing hearing shall be
13 held in the county in which the proceedings under the revised Kansas
14 code for care of children are being held.

15 Sec. 3. K.S.A. 2010 Supp. 60-203 is hereby amended to read as
16 follows: 60-203. (a) *Time of commencement.* A civil action is
17 commenced at the time of: (1) Filing a petition with the court, if service
18 of process is obtained or the first publication is made for service by
19 publication within 90 days after the petition is filed, except that the court
20 may extend that time an additional 30 days upon a showing of good cause
21 by the plaintiff; or (2) service of process or first publication, if service of
22 process or first publication is not made within the time specified by
23 paragraph (1).

24 (b) *Curing invalid service.* If service of process or first publication
25 purports to have been made but is later adjudicated to have been invalid
26 due to an irregularity in form or procedure or a defect in making service,
27 the action is considered to have been commenced at the applicable time
28 under subsection (a) if valid service is obtained or first publication is
29 made within 90 days after that adjudication, except that the court may
30 extend that time an additional 30 days upon a showing of good cause by
31 the plaintiff.

32 (c) *Entry of appearance.* The filing of an entry of appearance has
33 the same effect as service. Written contact with the court by a defendant,
34 or an attorney for the defendant invoking protection for the defendant
35 under the servicemembers civil relief act (50 U.S.C. § 501 et seq.), and
36 amendments thereto, is not an entry of appearance.

37 (d) *Electronic filing.* As used in this section, filing a petition with
38 the court includes receipt by the court of a petition by electronic means
39 complying with supreme court rules.

40 Sec. 4. K.S.A. 2010 Supp. 60-206 is hereby amended to read as
41 follows: 60-206. (a) *Computing time.* The following provisions apply in
42 computing any time period specified in this chapter, in any local rule or
43 court order or in any statute or administrative rule or regulation that does

1 not specify a method of computing time.

2 (1) *Period stated in days or a longer unit.* When the period is stated
3 in days or a longer unit of time:

4 (A) Exclude the day of the event that triggers the period;

5 (B) count every day, including intermediate Saturdays, Sundays and
6 legal holidays; and

7 (C) include the last day of the period, but if the last day is a
8 Saturday, Sunday or legal holiday, the period continues to run until the
9 end of the next day that is not a Saturday, Sunday or legal holiday.

10 (2) *Period stated in hours.* When the period is stated in hours:

11 (A) Begin counting immediately on the occurrence of the event that
12 triggers the period;

13 (B) count every hour, including hours during intermediate
14 Saturdays, Sundays and legal holidays; and

15 (C) if the period would end on a Saturday, Sunday or legal holiday,
16 the period continues to run until the same time on the next day that is not
17 a Saturday, Sunday or legal holiday.

18 (3) *Inaccessibility of the clerk's office.* Unless the court orders
19 otherwise, if the clerk's office is inaccessible:

20 (A) On the last day for filing under subsection (a)(1), then the time
21 for filing is extended to the first accessible day that is not a Saturday,
22 Sunday or legal holiday; or

23 (B) during the last hour for filing under subsection (a)(2), then the
24 time for filing is extended to the same time on the first accessible day that
25 is not a Saturday, Sunday or legal holiday.

26 (4) *"Last day" defined.* Unless a different time is set by a statute,
27 local rule or court order, the last day ends:

28 (A) For electronic or telefacsimile filing, at midnight in the court's
29 time zone; and

30 (B) for filing by other means, when the clerk's office is scheduled to
31 close.

32 (5) *"Next day" defined.* The "next day" is determined by continuing
33 to count forward when the period is measured after an event and
34 backward when measured before an event.

35 (6) *"Legal holiday" defined.* "Legal holiday" means any day
36 declared a holiday by the president of the United States, the congress of
37 the United States or the legislature of this state, or any day observed as a
38 holiday by order of the Kansas supreme court. A half holiday is
39 considered as other days and not as a holiday.

40 (b) *Extending time.* (1) *In general.* When an act may or must be done
41 within a specified time, the court may, for good cause, extend the time:

42 (A) With or without motion or notice if the court acts, or if a request
43 is made, before the original time or its extension expires; or

1 (B) on motion made after the time has expired if the party failed to
2 act because of excusable neglect.

3 (2) *Exceptions.* A court must not extend the time to act under
4 subsection (b) of K.S.A. 60-250, subsection (b) of K.S.A. 60-252,
5 subsections (b), (e) and (f) of K.S.A. 60-259 and subsection (b) of K.S.A.
6 60-260, and amendments thereto.

7 (c) *Motions, notices of hearing and affidavits or declarations.* (1)
8 *In general.* A written motion and notice of the hearing must be served at
9 least seven days before that time specified for the hearing with the
10 following exceptions:

11 (A) When the motion may be heard *ex parte*;

12 (B) when these rules set a different time; or

13 (C) when a court order, which a party may, for good cause, apply for
14 *ex parte*, sets a different time.

15 (2) *Supporting affidavit or declaration.* Any affidavit or declaration
16 pursuant to K.S.A. 53-601, and amendments thereto, supporting a motion
17 must be served with the motion. Except as otherwise provided in
18 subsection (d) of K.S.A. 60-259, and amendments thereto, any opposing
19 affidavit or declaration must be served at least one day before the hearing,
20 unless the court permits service at another time.

21 (d) *Additional time after certain kinds of service ~~by mail.~~* When a
22 party may or must act within a specified time after service and service is
23 ~~by mail~~ made under subsections (b)(2)(C), (D), (E) or (F) of K.S.A. 60-
24 205, and amendments thereto, three days are added after the period would
25 otherwise expire under subsection (a).

26 Sec. 5. K.S.A. 2010 Supp. 60-209 is hereby amended to read as
27 follows: 60-209. (a) *Capacity or authority to sue; legal existence.* (1) *In*
28 *general.* A pleading need not allege:

29 (A) A party's capacity to sue or be sued;

30 (B) a party's authority to sue or be sued in a representative capacity;
31 or

32 (C) the legal existence of an organized association of persons that is
33 made a party.

34 (2) *Raising those issues.* To raise any of those issues, a party must do
35 so by a specific denial, which must state any supporting facts that are
36 peculiarly within the party's knowledge.

37 (b) *Fraud or mistake; conditions of the mind.* In alleging fraud or
38 mistake, a party must state with particularity the circumstances
39 constituting fraud or mistake. Malice, intent, knowledge and other
40 conditions of a person's mind may be alleged generally.

41 (c) *Conditions precedent.* In pleading conditions precedent, it
42 suffices to allege generally that all conditions precedent have occurred or
43 have been performed. But when denying that a condition precedent has

1 occurred or been performed, a party must do so with particularity.

2 (d) *Official document or act.* In pleading an official document or
3 official act, it suffices to allege that the document was legally issued or
4 the act legally done.

5 (e) *Judgment.* In pleading a judgment or decision of a domestic or
6 foreign court, a judicial or quasi-judicial tribunal, or a board or officer, it
7 suffices to plead the judgment or decision without showing jurisdiction to
8 render it.

9 (f) *Time and place.* An allegation of time or place is material when
10 testing the sufficiency of a pleading.

11 (g) *Special damages.* If an item of special damage is claimed, it must
12 be specifically stated. If the court allows an amended petition pursuant to
13 K.S.A. 60-3703, and amendments thereto, to include a claim for
14 exemplary or punitive damages the amended petition must state only
15 whether the amount sought as damages is or is not in excess of \$75,000.

16 (h) *Pleading a written instrument.* A claim, defense or counterclaim
17 founded on a written instrument may be pleaded by:

18 (1) Reasonably identifying the written instrument and stating its
19 substance;

20 (2) reciting the contents of the written instrument in the pleading; or

21 (3) attaching a copy to the pleading as an exhibit.

22 (i) *Tender of money.* When a tender of money is made in a pleading,
23 the money need not be deposited in court prior to trial, unless the court
24 orders otherwise.

25 (j) *Libel and slander.* In an action for libel or slander, it suffices to
26 allege generally that defamatory matter was published or spoken
27 concerning the plaintiff, and if that allegation is not denied in the answer,
28 it need not be proved at trial. The defendant's answer may allege both the
29 truth of the matter charged as defamatory and any mitigating
30 circumstances that reduce the amount of damages. Whether the defendant
31 proves justification, the defendant may introduce evidence of any
32 mitigating circumstances.

33 Sec. 6. K.S.A. 2010 Supp. 60-211 is hereby amended to read as
34 follows: 60-211. (a) *Signature.* Every pleading, written motion and other
35 paper must be signed by at least one attorney of record in the attorney's
36 name, or by a party personally if the party is unrepresented. The paper
37 must state the signer's address, e-mail address, ~~and~~ telephone number *and*
38 *fax number.* Unless a rule or statute specifically states otherwise, a
39 pleading need not be verified or accompanied by an affidavit or a
40 declaration pursuant to K.S.A. 53-601, and amendments thereto. The
41 court must strike an unsigned paper unless the omission is promptly
42 corrected after being called to the attorney's or party's attention.

43 (b) *Representations to the court.* By presenting to the court a

1 pleading, written motion or other paper, whether by signing, filing,
2 submitting or later advocating it, an attorney or unrepresented party
3 certifies that to the best of the person's knowledge, information and belief
4 formed after an inquiry reasonable under the circumstances:

5 (1) It is not being presented for any improper purpose, such as to
6 harass, cause unnecessary delay or needlessly increase the cost of
7 litigation;

8 (2) the claims, defenses and other legal contentions are warranted by
9 existing law or by a nonfrivolous argument for extending, modifying or
10 reversing existing law or for establishing new law;

11 (3) the factual contentions have evidentiary support or, if
12 specifically so identified, will likely have evidentiary support after a
13 reasonable opportunity for further investigation or discovery; and

14 (4) the denials of factual contentions are warranted on the evidence
15 or, if specifically so identified, are reasonably based on belief or a lack of
16 information.

17 (c) *Sanctions*. If, after notice and a reasonable opportunity to
18 respond, the court determines that subsection (b) has been violated, the
19 court may impose an appropriate sanction on any attorney, law firm or
20 party that violated the statute or is responsible for a violation committed
21 by its partner, associate or employee. The sanction may include an order
22 to pay to the other party or parties that reasonable expenses, including
23 attorney's fees, incurred because of the filing of the pleading, motion or
24 other paper. A motion for sanctions under this section may be served and
25 filed at any time during pendency of the action, but must be filed not later
26 than 14 days after the entry of judgment.

27 (d) *Inapplicability to discovery*. Subsections (a) through (c) do not
28 apply to disclosures and discovery requests, responses, objections and
29 motions that are subject to the provisions of K.S.A. 60-226 through 60-
30 237, and amendments thereto.

31 (e) *Applicability to the state*. The state of Kansas, including an
32 agency or political subdivision thereof, is subject to this section.

33 (f) *Monetary sanctions against inmate*. If the court imposes
34 monetary sanctions on an inmate in the custody of the secretary of
35 corrections, the secretary is authorized to disburse any money in the
36 inmate's account to pay the sanctions.

37 Sec. 7. K.S.A. 2010 Supp. 60-214 is hereby amended to read as
38 follows: 60-214. (a) *When defending party may bring in a ~~third-party-~~*
39 *third party*. (1) *Timing of the summons and complaint*. A defending party
40 may, as a third-party plaintiff, serve a summons and petition on a
41 nonparty who is or may be liable to it for all or part of the claim against
42 it. But the third-party plaintiff must, by motion, obtain the court's leave if
43 it files the third-party complaint more than 14 days after serving its

1 original answer.

2 (2) *Third-party defendant's claims and defenses.* The person served
3 with the summons and third-party petition, the "third-party defendant":

4 (A) Must assert any defenses against the third-party plaintiff's claim
5 under K.S.A. 60-212, and amendments thereto;

6 (B) must assert any counterclaim against the third-party plaintiff
7 under subsection (a) of K.S.A. 60-213, and amendments thereto, or any
8 crossclaim against another third-party defendant under subsection (f) of
9 K.S.A. 60-213, and amendments thereto, and may assert any
10 counterclaim against the third-party plaintiff under subsection (b) of
11 K.S.A. 60-213, and amendments thereto, or any crossclaims against
12 another third-party defendant under subsection (g) of K.S.A. 60-213, and
13 amendments thereto;

14 (C) may assert against the plaintiff any defense that the third-party
15 plaintiff has to the plaintiff's claim; and

16 (D) may also assert against the plaintiff any claim arising out of the
17 transaction or occurrence that is the subject matter of the plaintiff's claim
18 against the third-party plaintiff.

19 (3) *Plaintiff's claims against a third-party defendant.* The plaintiff
20 may assert against the third-party defendant any claim arising out of the
21 transaction or occurrence that is the subject matter of the plaintiff's claim
22 against the third-party plaintiff. The third-party defendant must then
23 assert any defense under K.S.A. 60-212, and amendments thereto, and
24 any counterclaim under subsection (a) of K.S.A. 60-213, and
25 amendments thereto, or crossclaim under subsection (f) of K.S.A. 60-213,
26 and amendments thereto, and may assert any counterclaim under
27 subsection (b) of K.S.A. 60-213, and amendments thereto, or any
28 crossclaim under subsection (g) of K.S.A. 60-213, and amendments
29 thereto.

30 (4) *Motion to strike, sever or try separately.* Any party may move to
31 strike the third-party claim, to sever it or to try it separately.

32 (5) *Third-party defendant's claim against a nonparty.* A third-party
33 defendant may proceed under this section against a nonparty who is or
34 may be liable to the third-party defendant for all or part of any claim
35 against it.

36 (b) *When a plaintiff may bring in a third-party.* When a claim is
37 asserted against a plaintiff, the plaintiff may bring in a third-party if this
38 section would allow a defendant to do so.

39 (c) *Execution by third-party plaintiff; limitation.* Where a third-party
40 defendant is liable to the plaintiff, or to anyone holding a similar position
41 under subsections (a) and (b), on the claim on which a third-party
42 plaintiff has been sued, execution by the third-party plaintiff on a
43 judgment against such third-party defendant shall be permitted only to the

1 extent that the third-party plaintiff has paid any judgment obtained
2 against the third-party plaintiff by the obligee.

3 Sec. 8. K.S.A. 2010 Supp. 60-226 is hereby amended to read as
4 follows: 60-226. (a) *Discovery methods*. Parties may obtain discovery by
5 one or more of the following methods: Depositions on oral examination
6 or written questions; written interrogatories; production of documents or
7 things or permission to enter onto land or other property under K.S.A. 60-
8 234, subsection (a)(1)(A)(iii) of K.S.A. 60-245 or K.S.A. 60-245a, and
9 amendments thereto; physical and mental examinations; and requests for
10 admission.

11 (b) *Discovery scope and limits*. (1) *Scope in general*. Unless
12 otherwise limited by court order, the scope of discovery is as follows:
13 Parties may obtain discovery regarding any nonprivileged matter that is
14 relevant to the subject matter involved in the action, whether it relates to
15 any party's claim or defense, including the existence, description, nature,
16 custody, condition and location of any documents or other tangible things
17 and the identity and location of persons who know of any discoverable
18 matter. Relevant information need not be admissible at the trial if the
19 discovery appears reasonably calculated to lead to the discovery of
20 admissible evidence.

21 (2) *Limitations on frequency and extent*. (A) On motion, or on its
22 own, the court may limit the frequency or extent of discovery methods
23 otherwise allowed by the rules of civil procedure and must do so if it
24 determines that:

25 (i) The discovery sought is unreasonably cumulative or duplicative,
26 or can be obtained from some other source that is more convenient, less
27 burdensome or less expensive;

28 (ii) the party seeking discovery has had ample opportunity to obtain
29 the information by discovery in the action; or

30 (iii) the burden or expense of the proposed discovery outweighs its
31 likely benefit, considering the needs of the case, the amount in
32 controversy, the parties' resources, the importance of the issues at stake in
33 the action and the importance of the proposed discovery in resolving the
34 issues.

35 (B) A party need not provide discovery of electronically stored
36 information from sources that the party identifies as not reasonably
37 accessible because of undue burden or cost. On motion to compel
38 discovery or for a protective order, the party from whom discovery is
39 sought must show that the information is not reasonably accessible
40 because of undue burden or cost. If that showing is made, the court may
41 nonetheless order discovery from such sources if the requesting party
42 shows good cause, considering the limitations of subsection (b)(2)(A).
43 The court may specify conditions for the discovery.

1 (3) *Insurance agreements.* A party may obtain discovery of the
2 existence and contents of any insurance agreement under which an
3 insurance business may be liable to satisfy part or all of a possible
4 judgment in the action or to indemnify or reimburse for payments made
5 to satisfy the judgment. Information concerning the insurance agreement
6 is not by reason of disclosure admissible in evidence at trial. For purposes
7 of this paragraph, an application for insurance is not a part of an
8 insurance agreement.

9 (4) *Trial preparation; materials.* (A) *Documents and tangible*
10 *things.* Ordinarily, a party may not discover documents and tangible
11 things that are prepared in anticipation of litigation or for trial by or for
12 another party or its representative, including the other party's attorney,
13 consultant, surety, indemnitor, insurer or agent. But, subject to subsection
14 (b)(5), those materials may be discovered if:

15 (i) They are otherwise discoverable under paragraph (1); and

16 (ii) the party shows that it has substantial need for the materials to
17 prepare its case and cannot, without undue hardship, obtain their
18 substantial equivalent by other means.

19 (B) *Protection against disclosure.* If the court orders discovery of
20 those materials, it must protect against disclosure of the mental
21 impressions, conclusions, opinions or legal theories of a party's attorney
22 or other representative concerning the litigation.

23 (C) *Previous statement.* Any party or other person may, on request
24 and without the required showing, obtain the person's own previous
25 statement about the action or its subject matter. If the request is refused,
26 the person may move for a court order, and K.S.A. 60-237, and
27 amendments thereto, applies to the award of expenses. A previous
28 statement is either:

29 (i) A written statement that the person has signed or otherwise
30 adopted or approved; or

31 (ii) a contemporaneous stenographic, mechanical, electrical or other
32 recording, or a transcription of it, that recites substantially verbatim the
33 person's oral statement.

34 (5) *Trial preparation; experts.*

35 (A) *Expert who may testify.* A party may depose any person who has
36 been identified as an expert whose opinions may be presented at trial. If a
37 disclosure is required under subsection (b)(6), the deposition may be
38 conducted only after the disclosure is provided.

39 (B) *Expert employed only for trial preparation.* Ordinarily, a party
40 may not, by interrogatories or deposition, discover facts known or
41 opinions held by an expert who has been retained or specially employed
42 by another party in anticipation of litigation or to prepare for trial and
43 who is not expected to be called as a witness at trial. But a party may do

1 so only:

2 (i) As provided in subsection (b) of K.S.A. 60-235, and amendments
3 thereto; or

4 (ii) on showing exceptional circumstances under which it is
5 impracticable for the party to obtain facts or opinions on the same subject
6 by other means.

7 (C) *Payment.* Unless manifest injustice would result, the court must
8 require that the party seeking discovery:

9 (i) Pay the expert a reasonable fee for time spent in responding to
10 discovery under subsection (b)(5)(A) or (b)(5)(B); and

11 (ii) for discovery under subsection (b)(5)(B), also pay the other party
12 a fair portion of the fees and expenses it reasonably incurred in obtaining
13 the expert's facts and opinions.

14 (6) *Disclosure of expert testimony.* (A) *In general.* A party must
15 disclose to other parties the identity of any witness it may use at trial to
16 present expert testimony.

17 (B) *Required disclosures.* Unless otherwise stipulated or ordered by
18 the court, if the witness is retained or specially employed to provide
19 expert testimony in the case, or is one whose duties as the party's
20 employee regularly involve giving expert testimony, the disclosure must
21 state:

22 (i) The subject matter on which the expert is expected to testify;

23 (ii) the substance of the facts and opinions to which the expert is
24 expected to testify; and

25 (iii) a summary of the grounds for each opinion.

26 (C) *Time to disclose expert testimony.* A party must make these
27 disclosures at the times and in the sequence that the court orders. Absent
28 a stipulation or court order, the disclosures must be made:

29 (i) At least 90 days before the date set for trial or for the case to be
30 ready for trial; or

31 (ii) if the evidence is intended solely to contradict or rebut evidence
32 on the same subject matter identified by another party under subsection
33 (b)(6)(B), within 30 days after the other party's disclosure.

34 (D) *Supplementing the disclosure.* The parties must supplement
35 these disclosures when required under subsection (e).

36 (E) *Form of disclosures.* Unless otherwise ordered by the court, all
37 disclosures under this subsection must be:

38 (i) In writing, signed and served; and

39 (ii) filed with the court in accordance with subsection (d) of K.S.A.
40 60-205, and amendments thereto.

41 (7) *Claiming privilege or protecting trial preparation materials.* (A)
42 *Information withheld.* When a party withholds information otherwise
43 discoverable by claiming that the information is privileged or subject to

1 protection as trial preparation material, the party must:

2 (i) Expressly make the claim; and

3 (ii) describe the nature of the documents, communications or things
4 not produced or disclosed, and do so in a manner that, without revealing
5 information itself privileged or protected, will enable other parties to
6 assess the claim.

7 (B) *Information produced.* If information produced in discovery is
8 subject to a claim of privilege or of protection as trial preparation
9 material, the party making the claim may notify any party that received
10 the information of the claim and the basis for it. After being notified, a
11 party must promptly return, sequester or destroy the specified information
12 and any copies it has; must not use or disclose the information until the
13 claim is resolved; must take reasonable steps to retrieve the information if
14 the party disclosed it before being notified; and may promptly present the
15 information to the court under seal for a determination of the claim. The
16 producing party must preserve the information until the claim is resolved.

17 (c) *Protective orders.* (1) *In general.* A party or any person from
18 whom discovery is sought may move for a protective order in the court
19 where the action is pending, as an alternative on matters relating to a
20 deposition, in the district court where the deposition will be taken. The
21 motion must include a certification that the movant has in good faith
22 conferred or attempted to confer with other affected parties in an effort to
23 resolve the dispute without court action and must describe the steps taken
24 by all attorneys or unrepresented parties to resolve the issues in dispute.
25 The court may, for good cause, issue an order to protect a party or person
26 from annoyance, embarrassment, oppression or undue burden or expense,
27 including one or more of the following:

28 (A) Forbidding the disclosure or discovery;

29 (B) specifying terms, including time and place, for the disclosure or
30 discovery;

31 (C) prescribing a discovery method other than the one selected by
32 the party seeking discovery;

33 (D) forbidding inquiry into certain matters, or limiting the scope of
34 disclosure or discovery to certain matters;

35 (E) designating the persons who may be present while the discovery
36 is conducted;

37 (F) requiring that a deposition be sealed and opened only on court
38 order;

39 (G) requiring that a trade secret or other confidential research,
40 development or commercial information not be revealed or be revealed
41 only in a specified way; and

42 (H) requiring that the parties simultaneously file specified
43 documents or information in sealed envelopes, to be opened as the court

1 orders.

2 (2) *Ordering discovery.* If a motion for a protective order is wholly
3 or partly denied the court may, on just terms, order that any party or
4 person provide or permit discovery.

5 (3) *Awarding expenses.* The provisions of K.S.A. 60-237, and
6 amendments thereto, apply to the award of expenses.

7 (d) *Sequence of discovery.* Unless, on motion, the court orders
8 otherwise for the parties' and witnesses' convenience and in the interests
9 of justice:

10 (1) Methods of discovery may be used in any sequence; and

11 (2) discovery by one party does not require any other party to delay
12 its discovery.

13 (e) *Supplementing disclosures and responses.* (1) *In general.* A party
14 who has made a disclosure under subsection (b)(6), or who has responded
15 to an interrogatory, request for production or request for admission, must
16 supplement or correct its disclosure or response:

17 (A) In a timely manner if the party learns that in some material
18 respect the disclosure or response is incomplete or incorrect, and if the
19 additional or corrective information has not otherwise been made known
20 to the other parties during the discovery process or in writing; or

21 (B) as ordered by the court.

22 (2) *Expert witness.* For an expert to whom the disclosure
23 requirement in subsection (b)(6) applies, the party's duty to supplement
24 extends both to information included in the disclosure and to information
25 given during the expert's deposition. Any additions or changes to this
26 information must be disclosed at least 30 days before trial, unless the
27 court orders otherwise.

28 (f) *Signing of disclosures and discovery requests, responses and*
29 *objections.* (1) *Signature required; effect of signature.* Every disclosure
30 under subsection (b)(6) and every discovery request, response or
31 objection must be signed by at least one attorney of record in the
32 attorney's own name, or by the party personally, if unrepresented, and
33 must state the signor's address, e-mail address and telephone number. By
34 signing, an attorney or party certifies that to the best of the person's
35 knowledge, information and belief formed after a reasonable inquiry:

36 (A) With respect to a disclosure, it is complete and correct as of the
37 time it is made;

38 (B) with respect to a discovery request, response or objection, it is:

39 (i) Consistent with the rules of civil procedure and warranted by
40 existing law or by a nonfrivolous argument for extending, modifying or
41 reversing existing law or for establishing new law;

42 (ii) not interposed for any improper purpose, such as to harass, cause
43 unnecessary delay or needlessly increase the cost of litigation; and

1 (iii) neither unreasonable nor unduly burdensome or expensive
2 considering the needs of the case, prior discovery in the case, the amount
3 in controversy and the importance of the issues at stake in the action.

4 (2) *Failure to sign.* Other parties have no duty to act on an unsigned
5 disclosure, request, response or objection until it is signed, and the court
6 must strike it unless a signature is promptly supplied after the omission is
7 called to the attorney's or party's attention.

8 (3) *Sanction for improper certification.* If a certification violates this
9 section without substantial justification, the court, on motion, or on its
10 own, must impose an appropriate sanction on the signer, the party on
11 whose behalf the signer was acting, or both. The sanction may include an
12 order to pay the reasonable expenses, including attorney's fees, caused by
13 the violation.

14 Sec. 9. K.S.A. 2010 Supp. 60-235 is hereby amended to read as
15 follows: 60-235. (a) *Order for an examination.* (1) *In general.* The court
16 where the action is pending may order a party whose mental or physical
17 condition, including blood group, is in controversy to submit to a physical
18 or mental examination by a suitably licensed or certified examiner. The
19 court has the same authority to order a party to produce for examination a
20 person who is in its custody or under its legal control.

21 (2) *Motion and notice; contents of the order.* The order:

22 (A) May be made only on motion for good cause and on notice to
23 all parties and the person to be examined;

24 (B) must specify the time, place, manner, conditions and scope of
25 the examination, as well as the person or persons who will perform it; and

26 (C) must direct the moving party to advance the expenses that will
27 necessarily be incurred by the party or person to be examined.

28 (b) *Examiner's report.* (1) *Request by the party or person examined.*
29 The party who moved for the examination must, on request, deliver to the
30 requester a copy of the examiner's report, together with like reports of all
31 earlier examinations of the same condition. The request may be made by
32 the party against whom the examination order was issued or by the
33 person examined.

34 (2) *Contents.* The examiner's report must be in writing and must set
35 out in detail the examiner's findings, including diagnoses, conclusions
36 and the results of any tests.

37 (3) *Scope.* This subsection applies also to an examination made by
38 the parties' agreement, unless the agreement states otherwise. This
39 subsection does not preclude obtaining an examiner's report or deposing
40 an examiner under other law.

41 (c) ~~Report~~ *Reports of other examinations.* Any party may request,
42 and is entitled to receive, from another party like reports of all earlier or
43 later examinations of the same condition. But those reports need not be

1 delivered by the party with custody or control of the person examined if
2 the party shows that it could not obtain them. Reports provided under this
3 subsection must contain the information specified in subsection (b)(2).

4 (d) *Failure to deliver a report.* The court on motion may order, on
5 just terms, that a party deliver a report of an examination under
6 subsection (b) or (c). If the report is not provided, the court may exclude
7 the examiner's testimony at trial.

8 Sec. 10. K.S.A. 2010 Supp. 60-249 is hereby amended to read as
9 follows: 60-249. (a) *Special verdict.* (1) *In general.* The court may require
10 a jury to return only a special verdict in the form of a special written
11 finding on each issue of fact. The court may do so by:

12 (A) Submitting written questions susceptible of a categorical or
13 other brief answer;

14 (B) submitting written forms of the special findings that might
15 properly be made under the pleadings and evidence; or

16 (C) using any other method that the court considers appropriate.

17 (2) *Instructions.* The court must give the instructions and
18 explanations necessary to enable the jury to make its findings on each
19 submitted issue.

20 (3) *Issues not submitted.* A party waives the right to a jury trial on
21 any issue of fact raised by the pleadings or evidence but not submitted to
22 the jury unless, before the jury retires, the party demands its submission
23 to the jury. If the party does not demand submission, the court may make
24 a finding on the issue. If the court makes no finding, it is considered to
25 have made a finding consistent with its judgment on the special verdict.

26 (b) *General verdict with answers to written questions.* (1) *In*
27 *general.* The court may on written request, submit to the jury forms for a
28 general verdict, together with written questions on one or more issues of
29 fact that the jury must decide. The court must give the instructions and
30 explanations necessary to enable the jury to render a general verdict and
31 answer the questions in writing, and must direct the jury to do both.

32 (2) *Verdict and answers consistent.* When the general verdict and
33 the answers are consistent, the court must approve an appropriate
34 judgment on the verdict and answers.

35 (3) *Answer Answers inconsistent with the verdict.* When the answers
36 are consistent with each other, but one or more is inconsistent with the
37 general verdict, the court may:

38 (A) Approve an appropriate judgment according to the answers,
39 notwithstanding the general verdict;

40 (B) direct the jury to further consider its answers and verdict; or

41 (C) order a new trial.

42 (4) *Answers inconsistent with each other and the verdict.* When the
43 answers are inconsistent with each other and one or more is also

1 inconsistent with the general verdict, judgment must not be entered;
2 instead, the court must direct the jury to further consider its answers and
3 verdict, or must order a new trial.

4 Sec. 11. K.S.A. 2010 Supp. 60-260 is hereby amended to read as
5 follows: 60-260. (a) *Corrections based on clerical mistakes; ~~oversight~~*
6 *oversights and omissions.* The court may correct a clerical mistake or a
7 mistake arising from oversight or omission whenever one is found in a
8 judgment, order or other part of the record. The court may do so on
9 motion, or on its own, with or without notice. But after an appeal has
10 been docketed in the appellate court and while it is pending, such a
11 mistake may be corrected only with the appellate court's leave.

12 (b) *Grounds for relief from a final judgment, order or proceeding.*
13 On motion and just terms, the court may relieve a party or its legal
14 representative from a final judgment, order or proceeding for the
15 following reasons:

16 (1) Mistake, inadvertence, surprise or excusable neglect;

17 (2) newly discovered evidence that, with reasonable diligence, could
18 not have been discovered in time to move for a new trial under subsection
19 (b) of K.S.A. 60-259, and amendments thereto;

20 (3) fraud, whether previously called intrinsic or extrinsic,
21 misrepresentation or misconduct by an opposing party;

22 (4) the judgment is void;

23 (5) the judgment has been satisfied, released or discharged; it is
24 based on an earlier judgment that has been reversed or vacated; or
25 applying it prospectively is no longer equitable; or

26 (6) any other reason that justifies relief.

27 (c) *Timing and effect of the motion.* (1) *Timing.* A motion under
28 subsection (b) must be made within a reasonable time, and for reasons
29 under paragraphs (b)(1), (2) and (3) no more than one year after the entry
30 of the judgment or order, or the date of the proceeding.

31 (2) *Effect on finality.* The motion does not affect the judgment's
32 finality or suspend its operation.

33 (d) *Other powers to grant relief.* This section does not limit a court's
34 power to:

35 (1) Entertain an independent action to relieve a party from a
36 judgment, order or proceeding;

37 (2) grant relief under K.S.A. 60-309, and amendments thereto, to a
38 defendant who was not personally notified of the action; or

39 (3) set aside a judgment for fraud on the court.

40 (e) *Bills and writs abolished.* The following bills are abolished:
41 Bills of review; bills in the nature of bills of review; and writs of coram
42 nobis, coram vobis and audita querela.

43 Sec. 12. K.S.A. 2010 Supp. 60-270 is hereby amended to read as

1 follows: 60-270. (a) *Retention of original discovery documents.* A party
2 or attorney possessing original deposition transcripts, original responses
3 to interrogatories, original requests for admissions, original requests for
4 production or other original matters produced during discovery must
5 retain those documents until the case is closed.

6 (b) *Destruction or disposition of original discovery documents.*
7 Except as provided in subsection (c), when the case has been closed the
8 party or attorney possessing the original documents specified in
9 subsection (a) may destroy or dispose of them.

10 (c) *Original discovery documents subject to order, rule, statute or*
11 *agreement.* Original discovery documents subject to or covered by a
12 protective order, court rule, statute or written agreement of the parties
13 must be retained, returned, destroyed or disposed of in accordance with
14 the terms of the order, rule, statute or agreement.

15 (d) *Definition of "closed."* As used in this section, "closed" means
16 when an order terminating the action or proceeding has been filed and all
17 appeals have been terminated, the time for appeal has expired or when the
18 judgment is either satisfied or barred under K.S.A. 60-2403, and
19 amendments thereto.

20 Sec. 13. K.S.A. 2010 Supp. 60-310 is hereby amended to read as
21 follows: 60-310. (a) *Generally.* In an action against two or more
22 defendants, when one or more, but not all have been served, the plaintiff
23 may proceed as follows:

24 (1) If the action is against defendants jointly indebted on a contract,
25 the plaintiff may proceed against the defendants served, unless the court
26 orders otherwise; and if the plaintiff recovers judgment, it may be entered
27 against all the defendants jointly indebted and may be enforced only
28 against the joint property of all defendants, and the separate property of
29 the defendants served;

30 (2) if the action is against defendants severally liable, the plaintiff
31 may, without prejudice to the plaintiff's rights against those not served,
32 proceed against the defendants served in the same manner as if they were
33 the only defendants.

34 (b) ~~*Actions*~~ *Action against defendant not served.* Nothing in this
35 section makes a judgment against one or more defendants jointly or
36 severally liable a bar to another action against those not served.

37 Sec. 14. K.S.A. 2010 Supp. 60-460 is hereby amended to read as
38 follows: 60-460. Evidence of a statement which is made other than by a
39 witness while testifying at the hearing, offered to prove the truth of the
40 matter stated, is hearsay evidence and inadmissible except:

41 (a) *Previous statements of persons present.* A statement previously
42 made by a person who is present at the hearing and available for cross-
43 examination with respect to the statement and its subject matter, provided

1 the statement would be admissible if made by declarant while testifying
2 as a witness.

3 (b) *Affidavits*. Affidavits, to the extent admissible by the statutes of
4 this state.

5 (c) *Depositions and prior testimony*. Subject to the same limitations
6 and objections as though the declarant were testifying in person, (1)
7 testimony in the form of a deposition taken in compliance with the law of
8 this state for use as testimony in the trial of the action in which offered or
9 (2) if the judge finds that the declarant is unavailable as a witness at the
10 hearing, testimony given as a witness in another action or in a preliminary
11 hearing or former trial in the same action, or in a deposition taken in
12 compliance with law for use as testimony in the trial of another action,
13 when (A) the testimony is offered against a party who offered it in the
14 party's own behalf on the former occasion or against the successor in
15 interest of such party or (B) the issue is such that the adverse party on the
16 former occasion had the right and opportunity for cross-examination with
17 an interest and motive similar to that which the adverse party has in the
18 action in which the testimony is offered, but the provisions of this
19 subsection (c) shall not apply in criminal actions if it denies to the
20 accused the right to meet the witness face to face.

21 (d) *Contemporaneous statements and statements admissible on*
22 *ground of necessity generally*. A statement which the judge finds was
23 made (1) while the declarant was perceiving the event or condition which
24 the statement narrates, describes or explains, (2) while the declarant was
25 under the stress of a nervous excitement caused by such perception or (3)
26 if the declarant is unavailable as a witness, by the declarant at a time
27 when the matter had been recently perceived by the declarant and while
28 the declarant's recollection was clear and was made in good faith prior to
29 the commencement of the action and with no incentive to falsify or to
30 distort.

31 (e) *Dying declarations*. A statement by a person unavailable as a
32 witness because of the person's death if the judge finds that it was made
33 (1) voluntarily and in good faith and (2) while the declarant was
34 conscious of the declarant's impending death and believed that there was
35 no hope of recovery.

36 (f) *Confessions*. In a criminal proceeding as against the accused, a
37 previous statement by the accused relative to the offense charged, but
38 only if the judge finds that the accused (1) when making the statement
39 was conscious and was capable of understanding what the accused said
40 and did and (2) was not induced to make the statement (A) under
41 compulsion or by infliction or threats of infliction of suffering upon the
42 accused or another, or by prolonged interrogation under such
43 circumstances as to render the statement involuntary or (B) by threats or

1 promises concerning action to be taken by a public official with reference
2 to the crime, likely to cause the accused to make such a statement falsely,
3 and made by a person whom the accused reasonably believed to have the
4 power or authority to execute the same.

5 (g) *Admissions by parties.* As against a party, a statement by the
6 person who is the party to the action in the person's individual or a
7 representative capacity and, if the latter, who was acting in such
8 representative capacity in making the statement.

9 (h) *Authorized and adoptive admissions.* As against a party, a
10 statement (1) by a person authorized by the party to make a statement or
11 statements for the party concerning the subject of the statement or (2) of
12 which the party with knowledge of the content thereof has, by words or
13 other conduct, manifested the party's adoption or belief in its truth.

14 (i) *Vicarious admissions.* As against a party, a statement which
15 would be admissible if made by the declarant at the hearing if (1) the
16 statement concerned a matter within the scope of an agency or
17 employment of the declarant for the party and was made before the
18 termination of such relationship, (2) the party and the declarant were
19 participating in a plan to commit a crime or a civil wrong and the
20 statement was relevant to the plan or its subject matter and was made
21 while the plan was in existence and before its complete execution or other
22 termination or (3) one of the issues between the party and the proponent
23 of the evidence of the statement is a legal liability of the declarant, and
24 the statement tends to establish that liability.

25 (j) *Declarations against interest.* Subject to the limitations of
26 exception (f), a statement which the judge finds was at the time of the
27 assertion so far contrary to the declarant's pecuniary or proprietary
28 interest or so far subjected the declarant to civil or criminal liability or so
29 far rendered invalid a claim by the declarant against another or created
30 such risk of making the declarant an object of hatred, ridicule or social
31 disapproval in the community that a reasonable person in the declarant's
32 position would not have made the statement unless the person believed it
33 to be true.

34 (k) *Voter's statements.* A statement by a voter concerning the voter's
35 qualifications to vote or the fact or content of the voter's vote.

36 (l) *Statements of physical or mental condition of declarant.* Unless
37 the judge finds it was made in bad faith, a statement of the declarant's (1)
38 then existing state of mind, emotion or physical sensation, including
39 statements of intent, plan, motive, design, mental feeling, pain and bodily
40 health, but not including memory or belief to prove the fact remembered
41 or believed, when such a mental or physical condition is in issue or is
42 relevant to prove or explain acts or conduct of the declarant or (2)
43 previous symptoms, pain or physical sensation, made to a physician

1 consulted for treatment or for diagnosis with a view to treatment, and
2 relevant to an issue of declarant's bodily condition.

3 (m) *Business entries and the like.* Writings offered as memoranda or
4 records of acts, conditions or events to prove the facts stated therein, if
5 the judge finds that (1) they were made in the regular course of a business
6 at or about the time of the act, condition or event recorded and (2) the
7 sources of information from which made and the method and
8 circumstances of their preparation were such as to indicate their
9 trustworthiness.

10 If the procedure specified by subsection (b) of K.S.A. 60-245a for
11 providing business records has been complied with and no party has
12 required the personal attendance of a custodian of the records or the
13 production of the original records, the affidavit *or declaration* of the
14 custodian shall be prima facie evidence that the records satisfy the
15 requirements of this subsection.

16 (n) *Absence of entry in business records.* Evidence of the absence of
17 a memorandum or record from the memoranda or records of a business of
18 an asserted act, event or condition, to prove the nonoccurrence of the act
19 or event, or the nonexistence of the condition, if the judge finds that it
20 was the regular course of that business to make such memoranda of all
21 such acts, events or conditions at the time thereof or within a reasonable
22 time thereafter and to preserve them.

23 (o) *Content of official record.* Subject to K.S.A. 60-461 and
24 amendments thereto, (1) if meeting the requirements of authentication
25 under K.S.A. 60-465 and amendments thereto, to prove the content of the
26 record, a writing purporting to be a copy of an official record or of an
27 entry therein or (2) to prove the absence of a record in a specified office,
28 a writing made by the official custodian of the official records of the
29 office, reciting diligent search and failure to find such record.

30 (p) *Certificate of marriage.* Subject to K.S.A. 60-461 and
31 amendments thereto, certificates that the maker thereof performed
32 marriage ceremonies, to prove the truth of the recitals thereof, if the judge
33 finds that (1) the maker of the certificates, at the time and place certified
34 as the times and places of the marriages, was authorized by law to
35 perform marriage ceremonies and (2) the certificate was issued at that
36 time or within a reasonable time thereafter.

37 (q) *Records of documents affecting an interest in property.* Subject to
38 K.S.A. 60-461 and amendments thereto, the official record of a document
39 purporting to establish or affect an interest in property, to prove the
40 content of the original recorded document and its execution and delivery
41 by each person by whom it purports to have been executed, if the judge
42 finds that (1) the record is in fact a record of an office of a state or nation
43 or of any governmental subdivision thereof and (2) an applicable statute

1 authorized such a document to be recorded in that office.

2 (r) *Judgment of previous conviction.* Evidence of a final judgment
3 adjudging a person guilty of a felony, to prove any fact essential to
4 sustain the judgment.

5 (s) *Judgment against persons entitled to indemnity.* To prove the
6 wrong of the adverse party and the amount of damages sustained by the
7 judgment creditor, evidence of a final judgment if offered by a judgment
8 debtor in an action in which the debtor seeks to recover partial or total
9 indemnity or exoneration for money paid or liability incurred by the
10 debtor because of the judgment, provided the judge finds that the
11 judgment was rendered for damages sustained by the judgment creditor
12 as a result of the wrong of the adverse party to the present action.

13 (t) *Judgment determining public interest in land.* To prove any fact
14 which was essential to the judgment, evidence of a final judgment
15 determining the interest or lack of interest of the public or of a state or
16 nation or governmental division thereof in land, if offered by a party in an
17 action in which any such fact or such interest or lack of interest is a
18 material matter.

19 (u) *Statement concerning one's own family history.* A statement of a
20 matter concerning a declarant's own birth, marriage, divorce, legitimacy,
21 relationship by blood or marriage, race-ancestry or other similar fact of
22 the declarant's family history, even though the declarant had no means of
23 acquiring personal knowledge of the matter declared, if the judge finds
24 that the declarant is unavailable.

25 (v) *Statement concerning family history of another.* A statement
26 concerning the birth, marriage, divorce, death, legitimacy, race-ancestry,
27 relationship by blood or marriage or other similar fact of the family
28 history of a person other than the declarant if the judge finds that the
29 declarant (1) was related to the other by blood or marriage, or was
30 otherwise so intimately associated with the other's family as to be likely
31 to have accurate information concerning the matter declared, and made
32 the statement as upon information received from the other or from a
33 person related by blood or marriage to the other or as upon repute in the
34 other's family and (2) is unavailable as a witness.

35 (w) *Statement concerning family history based on statement of*
36 *another declarant.* A statement of a declarant that a statement admissible
37 under exceptions (u) or (v) was made by another declarant, offered as
38 tending to prove the truth of the matter declared by both declarants, if the
39 judge finds that both declarants are unavailable as witnesses.

40 (x) *Reputation in family concerning family history.* Evidence of
41 reputation among members of a family, if the reputation concerns the
42 birth, marriage, divorce, death, legitimacy, race-ancestry or other fact of
43 the family history of a member of the family by blood or marriage.

1 (y) *Reputation—boundaries, general history, family history.*
2 Evidence of reputation in a community as tending to prove the truth of
3 the matter reputed, if the reputation concerns (1) boundaries of or
4 customs affecting, land in the community and the judge finds that the
5 reputation, if any, arose before controversy, (2) an event of general
6 history of the community or of the state or nation of which the
7 community is a part and the judge finds that the event was of importance
8 to the community or (3) the birth, marriage, divorce, death, legitimacy,
9 relationship by blood or marriage, or race-ancestry of a person resident in
10 the community at the time of the reputation, or some other similar fact of
11 the person's family history or of the person's personal status or condition
12 which the judge finds likely to have been the subject of a reliable
13 reputation in that community.

14 (z) *Reputation as to character.* If a trait of a person's character at a
15 specified time is material, evidence of the person's reputation with
16 reference thereto at a relevant time in the community in which the person
17 then resided or in a group with which the person then habitually
18 associated, to prove the truth of the matter reputed.

19 (aa) *Recitals in documents affecting property.* Evidence of a
20 statement relevant to a material matter, contained in a deed of conveyance
21 or a will or other document purporting to affect an interest in property,
22 offered as tending to prove the truth of the matter stated, if the judge finds
23 that (1) the matter stated would be relevant upon an issue as to an interest
24 in the property and (2) the dealings with the property since the statement
25 was made have not been inconsistent with the truth of the statement.

26 (bb) *Commercial lists and the like.* Evidence of statements of
27 matters of interest to persons engaged in an occupation contained in a list,
28 register, periodical or other published compilation, to prove the truth of
29 any relevant matter so stated, if the judge finds that the compilation is
30 published for use by persons engaged in that occupation and is generally
31 used and relied upon by them.

32 (cc) *Learned treatises.* A published treatise, periodical or pamphlet
33 on a subject of history, science or art, to prove the truth of a matter stated
34 therein, if the judge takes judicial notice, or a witness expert in the
35 subject testifies, that the treatise, periodical or pamphlet is a reliable
36 authority in the subject.

37 (dd) *Actions involving children.* In a criminal proceeding or a
38 proceeding pursuant to the revised Kansas juvenile justice code or in a
39 proceeding to determine if a child is a child in need of care under the
40 revised Kansas code for care of children, a statement made by a child, to
41 prove the crime or that a child is a juvenile offender or a child in need of
42 care, if:

43 (1) The child is alleged to be a victim of the crime or offense or a

1 child in need of care; and

2 (2) the trial judge finds, after a hearing on the matter, that the child
3 is disqualified or unavailable as a witness, the statement is apparently
4 reliable and the child was not induced to make the statement falsely by
5 use of threats or promises.

6 If a statement is admitted pursuant to this subsection in a trial to a jury,
7 the trial judge shall instruct the jury that it is for the jury to determine the
8 weight and credit to be given the statement and that, in making the
9 determination, it shall consider the age and maturity of the child, the
10 nature of the statement, the circumstances under which the statement was
11 made, any possible threats or promises that might have been made to the
12 child to obtain the statement and any other relevant factor.

13 (ee) *Certified motor vehicle certificate of title history*. Subject to
14 K.S.A. 60-461, and amendments thereto, a certified motor vehicle
15 certificate of title history prepared by the division of vehicles of the
16 Kansas department of revenue.

17 Sec. 15. K.S.A. 60-2003 is hereby amended to read as follows: 60-
18 2003. Items which may be included in the taxation of costs are:

19 (1) The docket fee as provided for by K.S.A. 60-2001, and
20 amendments thereto.

21 (2) The mileage, fees, and other allowable expenses of the sheriff,
22 other officer or private process server incurred in the service of process or
23 in effecting any of the provisional remedies authorized by this chapter.

24 (3) Publisher's charges in effecting any publication of notices
25 authorized by law.

26 (4) Statutory fees and mileage of witnesses attending court or the
27 taking of depositions used as evidence.

28 (5) Reporter's or stenographic charges for the taking of depositions
29 used as evidence.

30 (6) The postage fees incurred pursuant to K.S.A. 60-303 ~~or~~
31 ~~subsection (e) of K.S.A. 60-308~~, and amendments thereto.

32 (7) Alternative dispute resolution fees shall include fees, expenses
33 and other costs arising from mediation, conciliation, arbitration,
34 settlement conferences or other alternative dispute resolution means,
35 whether or not such means were successful in resolving the matter or
36 matters in dispute, which the court shall have ordered or to which the
37 parties have agreed.

38 (8) Such other charges as are by statute authorized to be taxed as
39 costs.

40 Sec. 16. K.S.A. 2010 Supp. 65-4902 is hereby amended to read as
41 follows: 65-4902. The district judge or, if the district court has more than
42 one division, the chief judge of such court shall notify the parties to the
43 action that a screening panel has been convened. The plaintiff or claimant

1 and the defendant or respondent shall each designate a health care
2 provider licensed in the same profession as the defendant or respondent
3 within ~~20~~ 21 days of such party's receipt of notice of the convening of the
4 screening panel. The parties shall jointly designate a health care provider
5 licensed in the same profession as the defendant or respondent within ~~40~~
6 14 days after the individual designations have been made. If the parties
7 are unable to jointly select a health care provider within such ~~40~~ 14 days,
8 the judge of the district court or, if the district court has more than one
9 division, the chief judge of such court shall select such health care
10 provider.

11 Sec. 17. K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-
12 2305, 38-2305a, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-
13 235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 are hereby
14 repealed.

15 Sec. 18. This act shall take effect and be in force from and after its
16 publication in the statute book.