

HOUSE BILL No. 2491

By Committee on Judiciary

1-23

1 AN ACT concerning the Kansas tort claims act; relating to small claims
2 actions; amending K.S.A. 2013 Supp. 75-6103 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 75-6103 is hereby amended to read as
7 follows: 75-6103. (a) Subject to the limitations of this act, each
8 governmental entity shall be liable for damages caused by the negligent or
9 wrongful act or omission of any of its employees while acting within the
10 scope of their employment under circumstances where the governmental
11 entity, if a private person, would be liable under the laws of this state.

12 (b) (1) Except as otherwise provided in this act, either the code of
13 civil procedure or, subject to ~~provision (2) of this subsection (b)(2)~~, the
14 code of civil procedure for limited actions shall be applicable to actions
15 within the scope of this act. Actions for claims within the scope of the
16 Kansas tort claims act brought under the code of civil procedure for
17 limited actions are subject to the limitations provided in K.S.A. 61-2802,
18 and amendments thereto.

19 (2) Actions within the scope of the Kansas tort claims act may not be
20 brought under the small claims procedure act. *Notwithstanding any*
21 *provision of the small claims procedure act to the contrary, if a small*
22 *claims action is within the scope of the Kansas tort claims act, a lawyer*
23 *may appear in such small claims action on behalf of any governmental*
24 *entity, officer or employee* **and file for the sole purpose of filing, briefing**
25 **and arguing a motion to dismiss for lack of jurisdiction.**

26 Sec. 2. K.S.A. 2013 Supp. 75-6103 is hereby repealed.

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