As Amended by House Committee

Session of 2009

HOUSE BILL No. 2110

By Committee on Judiciary

1-27

AN ACT concerning civil procedure; relating to property damage
amount; amending K.S.A. 60-2006 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 60-2006 is hereby amended to read as follows: 60-2006. (a) Subject to the provisions of subsection (d), in actions brought
for the recovery of property damages only of less than $7,500 $15,000
sustained and caused by the negligent operation of a motor vehicle, the
prevailing party shall be allowed reasonable attorney fees which shall be
taxed as part of the costs of the action unless:
(1) The prevailing party recovers no damages; or
(2) A tender equal to or in excess of the amount recovered was made
by the adverse party before the commencement of the action in which
judgment is rendered.
(b) For the plaintiff to be awarded attorney fees for the prosecution
of such action, a written demand for the settlement of such claim con-
taining all of the claimed elements of property damage and the total
monetary amount demanded in the action shall have been made on the
adverse party at such party’s last known address not less than 30 days
before the commencement of the action. For the defendant to be
awarded attorney fees, a written offer of settlement of such claim shall
have been made to the plaintiff at such plaintiff’s last known address not
more than 30 days after the defendant filed the answer in the action.
(c) This section shall apply to actions brought pursuant to the code
of civil procedure and actions brought pursuant to the code of civil pro-
cedure for limited actions.
(d) On July 1, 2010, and annually on July 1 thereafter, the damages
limitation specified in subsection (a) shall be increased by the same per-
centage as the percentage increase in the consumer price index for all
urban consumers, all items, for the preceding calendar year published by
the United States department of labor. Prior to July 1, 2010, and annually
on July 1 thereafter, the director of the budget shall certify to the judicial
administrator of the office of judicial administration such percentage in-
crease.
1  Sec. 2.  K.S.A. 60-2006 is hereby repealed.
2  Sec. 3.  This act shall take effect and be in force from and after its
3  publication in the statute book.