

## SENATE BILL No. 371

By Committee on Judiciary

1-14

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9 AN ACT concerning civil procedure; relating to property damage  
10 amount; amending K.S.A. 60-2006 and repealing the existing section.  
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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 60-2006 is hereby amended to read as follows: 60-  
14 2006. (a) In actions brought for the recovery of property damages only  
15 of less than ~~\$7,500~~ \$15,000 sustained and caused by the negligent oper-  
16 ation of a motor vehicle, the prevailing party shall be allowed reasonable  
17 attorney fees which shall be taxed as part of the costs of the action unless:

18 (1) The prevailing party recovers no damages; or  
19 (2) a tender equal to or in excess of the amount recovered was made  
20 by the adverse party before the commencement of the action in which  
21 judgment is rendered.

22 (b) For the plaintiff to be awarded attorney fees for the prosecution  
23 of such action, a written demand for the settlement of such claim con-  
24 taining all of the claimed elements of property damage and the total  
25 monetary amount demanded in the action shall have been made on the  
26 adverse party at such party's last known address not less than 30 days  
27 before the commencement of the action. For the defendant to be  
28 awarded attorney fees, a written offer of settlement of such claim shall  
29 have been made to the plaintiff at such plaintiff's last known address not  
30 more than 30 days after the defendant filed the answer in the action.

31 (c) This section shall apply to actions brought pursuant to the code  
32 of civil procedure and actions brought pursuant to the code of civil pro-  
33 cedure for limited actions.

34 Sec. 2. K.S.A. 60-2006 is hereby repealed.

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