

SENATE BILL No. 83

AN ACT concerning the Kansas product liability act; relating to a product liability claim arising from an alleged defect in a used product; amending K.S.A. 60-3306 and repealing the existing section.

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

Section 1. K.S.A. 60-3306 is hereby amended to read as follows: 60-3306. (a) A product seller shall not be subject to liability in a product liability claim arising from an alleged defect in a product, if the product seller establishes that: ~~(a)~~(1) Such seller had no knowledge of the defect; ~~(b)~~(2) such seller in the performance of any duties the seller performed, or was required to perform, could not have discovered the defect while exercising reasonable care; ~~(c)~~(3) ~~the~~ such seller was not a manufacturer of the defective product or product component; ~~(d)~~(4) the manufacturer of the defective product or product component is subject to service of process either under the laws of the state of Kansas or the domicile of the person making the product liability claim; and ~~(e)~~(5) any judgment against the manufacturer obtained by the person making the product liability claim would be reasonably certain of being satisfied.

(b) *A product seller that is a retail seller of used products shall not be subject to liability in a product liability claim arising from an alleged defect in a used product sold by the retail seller, if the retail seller establishes that:*

(1) *Such seller is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986;*

(2) *the product liability claim is for strict liability in tort; or*

(3) (A) *Such seller resold the product after the product was used by a consumer or other product user;*

(B) *the product was sold in substantially the same condition as it was when it was acquired for resale;*

(C) *the manufacturer of the defective product or product component is subject to service of process either under the laws of the state of Kansas or the domicile of the person making the product liability claim; and*

(D) *any judgment against the manufacturer obtained by the person making the product liability claim would be reasonably certain of being satisfied.*

Sec. 2. K.S.A. 60-3306 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.