



Goodwill Industries of Kansas, Inc.

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Testimony before the Senate Judiciary Committee
House Bill 2629 – Product Liability
March 6, 2012

Emily Compton, President/CEO, Goodwill Industries of Kansas
Chairman, Kansas Association of Goodwill's

Mr. Chairman and Committee Members,

My name is Emily Compton and I am the president of Goodwill Industries of Kansas, but I am also representing the Kansas Association of Goodwill's, which represents all of our stores in Kansas. Thank you for allowing me to address your committee today in support of HB 2629, which proposes to make changes to the product liability laws. Specifically, the bill would limit liability in a claim arising from an alleged product defect if the seller establishes the product was sold in substantially the same condition as when it was acquired for resale.

As most of you are aware, the 25 Goodwill stores in Kansas are used to raise money to support the programs and services we provide to people with disabilities and barriers to employment.

Last summer, one of my board members who is also an attorney with Foulston Siefkin Law, informed me of the court case of *Gaumer v Rossville Truck and Tractor* addressing the application of Kansas Product Liability Act to the sellers of used goods. In this particular case, Rossville Truck and Tractor sold a used hay baler "as-is" with a missing a safety shield. The buyer was later injured when he tried to repair the hay baler. The buyer sued Rossville, claiming the company should be strictly liable for selling an unreasonably dangerous and defective product.

While I don't understand all the legal arguments of the case, our board member indicated this court case could have repercussions for our Goodwill stores. As a reseller, we are very careful not to sell damaged equipment, collapsible baby items or any goods on the Consumer Product Safety Recall list. We never want someone to be injured by something they purchased at a Goodwill store but we are not perfect.

Goodwill request you support of the revised version of HB 2629. Passage of this measure will relieve Goodwill and other similar resellers from being held strictly liable for damages caused by products we didn't manufacture and sold "as is."

Our customers know they are buying used merchandise and are buying it in "as-is" condition. They are willing to take that small risk. In exchange, they know they will pay less for a used item than pay more for a new item from another retailer.

Thank you.



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