

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2629

As Amended by Senate Committee on Judiciary

Brief*

HB 2629 would amend the Kansas Product Liability Act to provide that a retail seller of used products would not be subject to liability in a claim arising from an alleged defect in a product if the seller establishes the product was resold after use by a consumer or other product user and was sold in substantially the same condition as when it was acquired for resale. An exception would exist for a claim arising out of intentional misrepresentation, intentional concealment, or intentional nondisclosure of a condition known to the seller.

Background

In the House Committee on Judiciary, representatives of the Kansas Chamber, Southwest Association of Farm Implement Dealers, Kansas Grain and Feed Association, Kansas Agribusiness Retailers Association, Kansas Cooperative Council, Goodwill Association of Kansas, and National Federation of Independent Business appeared in support of HB 2629. A representative of the Kansas Association for Justice appeared as an opponent. The Committee amended the bill to include an exception for claims arising out of intentional misrepresentation, an alleged breach of an express or implied warranty, or intentional concealment or nondisclosure of a known condition.

In the Senate Committee on Judiciary, representatives of the Kansas Chamber, Kansas Grain and Feed Association, Kansas Agribusiness Retailers Association, Kansas

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Cooperative Council, National Federation of Independent Business, Goodwill Association of Kansas, and local attorneys appeared in support of HB 2629. The Committee amended the bill to remove the exception for claims arising out of an alleged breach of an express or implied warranty, which was added by the House Committee on Judiciary.

The fiscal note indicates passage of HB 2629, as introduced, would have no fiscal effect.