

2012 Kansas Statutes

75-7505. Same; civil action; statute of limitations; burden of proof. (a) A civil action under K.S.A. 2012 Supp. 75-7503, and amendments thereto, may not be brought: (1) More than 6 years after the date on which the violation was committed; or

(2) more than 3 years after the date on which the violation was discovered or reasonably should have been discovered, but in no event more than 10 years after the date on which the violation was committed, whichever occurs last.

(b) A civil action under K.S.A. 2012 Supp. 75-7503, and amendments thereto, may be brought for activity prior to the effective date of this act if the limitation period set in subsection (a) has not lapsed.

(c) In any action brought under K.S.A. 2012 Supp. 75-7503, and amendments thereto, the state shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(d) Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under K.S.A. 2012 Supp. 75-7503, and amendments thereto.

History: L. 2009, ch. 103, § 5; Apr. 30.