AN ACT concerning trespass and liability; exceptions.

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

Section 1. This act shall be known and may be cited as the trespasser responsibility act.

Sec. 2. (a) For the purposes of this act, "trespasser" means a person who enters on the property of another without permission and without an invitation, expressed or implied.

(b) A possessor of land, including an owner, lessee, or other occupant, does not owe a duty of care to a trespasser and is not subject to liability for any injury to a trespasser.

(c) Notwithstanding subsection (b), a possessor of land may be subject to liability for physical injury or death to a trespasser if:

(1) The trespasser's physical injury or death was intentionally caused by the possessor, except that a possessor may use reasonable force to repel a trespasser that has entered the land or a building with the intent to commit a crime.

(2) The trespasser was under the age of 17, the injury was resulting from an artificial condition on the land and:

(A) The condition is one the possessor knew or reasonably should have known involved an unreasonable risk of death or serious bodily harm to such children;

(B) the injured child did not discover the condition or realize the risk involved in the condition or of coming within the area made dangerous by it;

(C) the utility to the possessor of maintaining the condition and the burden of eliminating the danger were slight as compared with the risk to the child involved; or

(D) the possessor failed to exercise reasonable care to eliminate the danger or otherwise protect the injured child.

(3) The possessor knew, or from facts within the possessor's knowledge should have known, that trespassers consistently intrude upon a limited area of the possessor's land and:

(A) The trespasser's harm was caused by an artificial condition
created or maintained by the possessor, the possessor knew the condition
was likely to cause death or serious bodily injury to such a trespasser, the
condition was of such a nature that the possessor had reason to believe
that the trespasser would not discover it and the possessor failed to
exercise reasonable care to warn the trespasser of the condition and the
risk involved. Reasonable care to warn may include posting of signage
stating the danger of the condition, but will not necessarily include the
construction of fencing or other such barriers.
(d) The possessor shall not be deemed liable for: (1) Natural
conditions of the property such as cliffs, holes, caves, shifting or loose
sand or soil and any other natural land conditions; (2) natural situations
or conditions any reasonable person knew or should have known would
contribute to the danger such as ice, snow or rain; (3) dangerous
conditions that any reasonable person knew or should have known were
dangerous such as roofs, equipment, steps and other inherently dangerous
conditions; or unintentional failure of possessor to maintain or repair
building or parking lots such as lighting, holes or other natural
degradations of the property.
Sec. 3. The provisions of this act are declared to be severable and if
any provision, word, phrase or clause of the act or the application thereof
to any person shall be held invalid, such invalidity shall not affect the
validity of the remaining portions of this act.
Sec. 4. This act shall take effect and be in force from and after its
publication in the statute book.