

## HOUSE BILL No. 2980

By Committee on Judiciary

2-15

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AN ACT concerning civil procedure; relating to real parties in interest; amending K.S.A. 60-217 and repealing the existing section.

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

Section 1. K.S.A. 60-217 is hereby amended to read as follows: 60-217. (a) *Real party in interest.* Every action shall be prosecuted in the name of the real party in interest; but an executor, administrator, guardian, conservator, trustee of an express trust, receiver, a party with whom or in whose name a contract has been made for the benefit of another, *nonprofit trade associations who represent the interests of such associations' members*, or a party authorized by statute may sue in the party's own name without joining the party for whose benefit the action is brought. When a statute so provides, an action for the use or benefit of another shall be brought in the name of the state of Kansas. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

(b) *Claim accruing under law of another state.* Whenever a cause of action has accrued under or by virtue of the laws of any other state or territory, such cause of action may be sued upon in any of the courts of this state by the person or persons who are authorized to bring and maintain an action thereon in the state or territory where the same arose. When the law of the state or territory where a cause of action for death arose authorizes said action to be prosecuted by an administrator or executor, then said action may also be maintained in any of the courts of this state by an administrator or executor appointed under the laws of the state of Kansas.

(c) *Minors or incapacitated persons.* Whenever a minor or incapacitated person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the minor or incapacitated person. If a minor or incapacitated person does not have a duly appointed representative the minor or in-

1 capacitated person may sue by the minor or incapacitated person's next  
2 friend or by a guardian *ad litem*. The court shall appoint a guardian *ad*  
3 *litem* for a minor or incapacitated person not otherwise represented in  
4 an action or shall make such other order as it deems proper for the pro-  
5 tection of the minor or incapacitated person.

6 Sec. 2. K.S.A. 60-217 is hereby repealed.

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

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