

Rule 148

NOTICE OF CHALLENGE TO STATUTE OR CONSTITUTIONAL PROVISION IN CIVIL CASE

- (a) **Notice Requirements.** A party in a civil case before a district court or any judge of a district court that contests or calls into doubt the validity of any Kansas statute or constitutional provision on grounds that the law violates the state constitution, federal constitution, or any provision of federal law must serve a notice of the disputed validity on the attorney general of Kansas. The notice must state the attorney general is being provided notice under K.S.A. 75-764.
- (b) **Filing of Notice.** A party that gives notice under this rule must promptly file a copy of the notice with the clerk of the district court, along with a certificate of service.
- (c) **Failure to Give Notice.** If a party fails to give notice as required by this rule, a judge of the district court may direct the clerk of the district court to give notice to the attorney general on a form prescribed by the judicial administrator. The clerk of the district court must record the date notice was given to the attorney general in the register of actions for the case.
- (d) **Sufficiency of Notice.** Any notice provided under this rule will be deemed sufficient if it is in substantial compliance with the form set forth by the judicial administrator.
- (e) **Application.** This rule does not apply in any action or proceeding in which the attorney general is the party disputing or defending the validity of the law at issue.

[**History:** New rule effective September 6, 2016.]