

42-3,104. Damage liability for negligent or unlawful construction of work; penalty for unlawful act. Every person who, as owner, agent, contractor or manager, shall build, construct, operate or maintain any such dam or embankment, flume, aqueduct or other conduit in such manner that by reason of the willful or negligent disregard by such person of the requirements of this act, or by failure to use due caution, care and diligence in the building, construction, operation or maintenance thereof, any other person shall be injured, damaged, or put in jeopardy, either as to person or property, or both, shall be liable for all damages caused by or resulting from such willful or negligent conduct, and may be punished upon conviction by fine in any sum not less than \$25 nor more than \$5,000, or imprisonment not exceeding a term of three years in the custody of the secretary of corrections or both such fine and imprisonment, in the discretion of the court wherein such conviction shall be had. If loss of human life be caused or occasioned by any such willful or negligent conduct, the person so offending shall be amenable to all the laws and subject to all the penalties provided by the statutes of the state of Kansas in respect of unlawfully, maliciously, willfully or negligently causing the death of any person.

History: L. 1891, ch. 133, art. 8, § 16; R.S. 1923, 42-3,104; L. 1990, ch. 309, § 31; May 24.