

## SENATE BILL No. 198

By Senator Journey

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9 AN ACT concerning the Kansas insurance score act; relating to penalties  
10 for violations thereof; amending K.S.A. 2004 Supp. 40-5112 and re-  
11 pealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2004 Supp. 40-5112 is hereby amended to read as  
15 follows: 40-5112. ~~Whenever an insurer is found to be in violation of any~~  
16 ~~provision of this act, the commissioner shall proceed under K.S.A. 40-~~  
17 ~~2,125 and amendments thereto.~~ (a) *Any violation of this act shall also be*  
18 *considered an unfair or deceptive act or practice under K.S.A. 40-2404,*  
19 *and amendments thereto, and subject to the penalties contained in K.S.A.*  
20 *40-2401 et seq., and amendments thereto.*

21 (b) *Any violation of this act is a deceptive and unconscionable act or*  
22 *practice under the provisions of the Kansas consumer protection act and*  
23 *shall be subject to any and all of the enforcement provisions of the Kansas*  
24 *consumer protection act.*

25 (c) *Any person alleging a violation of this act may bring a private*  
26 *action to seek relief pursuant to K.S.A. 50-634, 50-636 and this section,*  
27 *and amendments thereto, and such person may be defined as a consumer*  
28 *pursuant to K.S.A. 50-624, and amendments thereto, for the purposes of*  
29 *such private action.*

30 Sec. 2. K.S.A. 2004 Supp. 40-5112 is hereby repealed.

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