

## HOUSE BILL No. 2975

By Committee on Appropriations

2-22

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9 AN ACT concerning fire prevention and safety products and services;  
10 requiring registration with the state fire marshal.

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

13 Section 1. (a) On and after October 1, 2007, no person shall sell or  
14 offer for sale fire prevention or fire safety products or services unless the  
15 person and the product or service is first registered with the state fire  
16 marshal.

17 (b) The state fire marshal shall adopt rules and regulations as pro-  
18 vided in K.S.A. 31-134, and amendments thereto, establishing procedures  
19 for registration as required by this section. Such rules and regulations  
20 shall provide for an annual registration fee of not more than \$25. The  
21 state fire marshal shall remit all moneys received for such fees to the state  
22 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
23 amendments thereto. Upon receipt of each such remittance, the state  
24 treasurer shall deposit the entire amount in the state treasury. The state  
25 treasurer shall credit 20% of each such deposit to the state general fund  
26 and shall credit the remainder of each such deposit to the fire marshal  
27 fee fund.

28 (c) The state fire marshal shall publish and provide to the public a  
29 list of persons registered pursuant to this section and businesses certified  
30 pursuant to K.S.A. 31-133a, and amendments thereto.

31 (d) A business holding a current certificate issued by the state fire  
32 marshal pursuant to K.S.A. 31-133a, and amendments thereto, shall not  
33 be required to register pursuant to this section.

34 (e) (1) Failure to register as required by this section shall constitute  
35 a deceptive act or practice under the Kansas consumer protection act and  
36 shall be subject to the remedies and penalties provided by such act.

37 (2) The state fire marshal, upon finding that any person has violated  
38 this section by failing to register as required by this section or failing to  
39 register a product or service as required by this section, may impose upon  
40 such person a penalty of not to exceed \$150 for each violation. No such  
41 penalty shall be imposed except upon the written order of the state fire  
42 marshal stating the violation, the penalty imposed and the right to appeal  
43 to the state fire marshal. Any such person, within 30 days after service of

1 such order, may make written request to the fire marshal for a hearing  
2 thereon. The fire marshal shall conduct a hearing in accordance with the  
3 provisions of the Kansas administrative procedure act within 30 days after  
4 receipt of such request. Any person aggrieved by any order issued pur-  
5 suant to this subsection may appeal such order in accordance with the  
6 provisions of the act for judicial review and civil enforcement of agency  
7 actions.

8 (3) All moneys received from penalties imposed pursuant to this sub-  
9 section shall be remitted to the state treasurer in accordance with the  
10 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
11 each such remittance, the state treasurer shall deposit the entire amount  
12 in the state treasury to the credit of the state general fund.

13 Sec. 2. This act shall take effect and be in force from and after its  
14 publication in the statute book.