

HOUSE BILL No. 2118

AN ACT concerning consumer protection; requiring any person who solicits a fee for filing or retrieving certain documents from the federal government, the state, a state agency or a local government to give certain notices to consumers; providing that violation of such requirements is a deceptive act or practice subject to penalties under the Kansas consumer protection act.

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

Section 1. (a) This section applies to any person other than the federal government, the state, a state agency or a local government who solicits a fee for filing a document with, or retrieving a copy or certified copy of a certificate or public record from, the federal government, the state, a state agency or a local government.

(b) A person who solicits as described in subsection (a) shall include in each solicitation:

(1) A statement in the solicitation, in the same language as the solicitation, that is identical or substantially similar to the following: "This is an advertisement. This offer is not being made by, or on behalf of, any government agency. You are not required to make any payment or take any other action in response to this offer." If the solicitation is in writing, the statement shall be in at least 24-point type and located at the top of the physical document or the beginning of the electronic communication;

(2) the name of the person making the solicitation and the person's physical address, which shall not be a post office box;

(3) information on where the consumer can file a document directly with the secretary of state or retrieve a copy or certified copy of a certificate or public record; and

(4) if the solicitation is mailed, the words "THIS IS NOT A GOVERNMENT DOCUMENT" in 24-point type and all capital letters on the envelope, outside cover or wrapper in which the solicitation is mailed.

(c) A solicitation described in subsection (a) shall not be in a form or use deadline dates or other language that makes the document appear to be issued by the federal government, the state, a state agency or a local government, or that appears to impose a legal duty on the person being solicited.

(d) A violation of this section shall constitute a deceptive act or practice as provided in K.S.A. 50-626, and amendments thereto. For the purposes of the remedies and penalties provided by the Kansas consumer protection act, the person committing the conduct prohibited by this section shall be deemed the supplier and the person who is the victim of such conduct shall be deemed the consumer. Proof of a consumer transaction shall not be required.

(e) As used in this section, "solicit" or "solicitation" means to directly advertise to a person. "Solicit" and "solicitation" do not include:

(1) Communication initiated by a consumer; or

(2) advertising or marketing to a consumer with whom the solicitor has a current or former commercial relationship.

(f) This section shall be a part of and supplemental to the Kansas consumer protection act.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.