

## SENATE BILL No. 399

By Committee on Judiciary

1-27

AN ACT concerning the Kansas consumer protection act; relating to the unauthorized practice of law; providing for an exception thereto for an employee of the judicial branch or a district court providing a standard form to a member of the public; amending K.S.A. 50-6,142 and repealing the existing section.

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

Section 1. K.S.A. 50-6,142 is hereby amended to read as follows: 50-6,142. (a) A person who is not licensed or otherwise authorized by the Kansas supreme court to practice law in this state shall not ~~do any of the following:~~

(1) Commit any act or omission that is prohibited by the Kansas supreme court, either by court rule or by common law, as being the unauthorized practice of law;

(2) hold out to the public or otherwise represent, expressly or by implication, that such person is admitted to practice law in this state;

(3) solicit payment or other consideration, whether in cash or ~~in kind~~ *in kind*, for services that would constitute the unauthorized practice of law in this state if performed at or about the time of such solicitation; or

(4) offer or attempt to do any act prohibited by this subsection.

(b) A violation of subsection (a) constitutes an unconscionable act or practice in violation of K.S.A. 50-627, and amendments thereto, whether or not ~~it such unconscionable act or practice~~ involves a consumer, a consumer transaction or a supplier, as defined in K.S.A. 50-624, and amendments thereto.

(c) For the purposes of this section:

(1) "Person" means an individual who, or any corporation, agency, partnership, association or other legal entity that, knowingly commits acts or omissions that violate this section or aids or abets a person to commit acts or omissions that violate this section;

(2) a person described in subsection (a) shall be deemed a supplier within the meaning of K.S.A. 50-624, and amendments thereto; and

(3) an individual, sole proprietor, partnership, corporation, limited liability company, the state or a subdivision or agency of the state aggrieved by a violation of subsection (a) shall be deemed a consumer within the meaning of K.S.A. 50-624, and amendments thereto.

1 (d) Any remedies or penalties imposed pursuant to this section shall  
2 be in addition to, and not instead of, any remedies or penalties available  
3 under the contempt power of any court.

4 (e) The provisions of this section shall not apply to:-

5 (1) Statewide, judicial district or municipal court-supervised public  
6 assistance offices and programs, victims assistance programs operated by a  
7 county or district attorney, court clerk, county law library, legal aid  
8 services providers, legal outreach programs operated by a state or local bar  
9 association or an employee of any such entity acting within the scope of  
10 employment; *or*

11 (2) *an employee of the judicial branch or a district court who*  
12 *provides a standard form approved by the Kansas supreme court, the*  
13 *office of judicial administration, the judicial council or a judicial district*  
14 *to a member of the public. An employee may rely on the assumption that*  
15 *the information provided by the member of the public is accurate, and*  
16 *such employee is not responsible for any incorrect information that the*  
17 *member of the public may enter onto the form.*

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

20 Sec. 2. K.S.A. 50-6,142 is hereby repealed.

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