

SENATE BILL No. 399

By Committee on Judiciary

1-27

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

6

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

8 Section 1. K.S.A. 50-6,142 is hereby amended to read as follows: 50-
9 6,142. (a) A person who is not licensed or otherwise authorized by the
10 Kansas supreme court to practice law in this state shall not ~~do any of the~~
11 ~~following:~~

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

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

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

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

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

26 (c) For the purposes of this section:

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

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

33 (3) an individual, sole proprietor, partnership, corporation, limited
34 liability company, the state or a subdivision or agency of the state
35 aggrieved by a violation of subsection (a) shall be deemed a consumer
36 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.