

HOUSE BILL No. 2162

By Committee on Judiciary

2-6

1 AN ACT concerning the Kansas consumer protection act; relating to
2 definitions; consumer transaction; supplier; amending K.S.A. 2018
3 Supp. 50-624 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2018 Supp. 50-624 is hereby amended to read as
7 follows: 50-624. As used in this act:

8 (a) "Agricultural purpose" means a purpose related to the production,
9 harvest, exhibition, marketing, transportation, processing or manufacture
10 of agricultural products by a consumer who cultivates, plants, propagates
11 or nurtures the agricultural products. "Agricultural products" includes
12 agricultural, horticultural, viticultural, and dairy products, livestock,
13 wildlife, poultry, bees, forest products, fish and shellfish, and any products
14 thereof, including processed and manufactured products, and any and all
15 products raised or produced on farms and any processed or manufactured
16 products thereof.

17 (b) "Consumer" means an individual, husband and wife, sole
18 proprietor, or family partnership who seeks or acquires property or
19 services for personal, family, household, business or agricultural purposes.

20 (c) "Consumer transaction" means a sale, lease, assignment or other
21 disposition for value of property or services within this state—(, except
22 insurance contracts regulated under state law), to a consumer; or a
23 solicitation by a supplier with respect to any of these dispositions.
24 *"Consumer transaction" does not include the disposition of repossessed*
25 *collateral by any supplier that is subject to and compliant with any state*
26 *or federal law or rules and regulations with regard to disposition of such*
27 *repossessed collateral.*

28 (d) "Family partnership" means a partnership in which all of the
29 partners are natural persons related to each other, all of whom have a
30 common ancestor within the third degree of relationship, by blood or by
31 adoption, or the spouses or the stepchildren of any such persons, or
32 persons acting in a fiduciary capacity for persons so related.

33 (e) "Final judgment" means a judgment, including any supporting
34 opinion, that determines the rights of the parties and concerning which
35 appellate remedies have been exhausted or the time for appeal has expired.

36 (f) "Lender" means a bank, savings and loan association, savings

1 bank, credit union, finance company, mortgage bank, mortgage broker and
2 any affiliate.

3 (g) "Merchantable" means, in addition to the qualities prescribed in
4 K.S.A. 84-2-314, and amendments thereto, in conformity in all material
5 respects with applicable state and federal statutes and regulations
6 establishing standards of quality and safety.

7 (h) "Mortgage trigger lead" means a consumer report obtained
8 pursuant to section 604(c)(1)(B) of the federal fair credit reporting act, 15
9 U.S.C. § 1681b, where the issuance of the report is triggered by an inquiry
10 made with a consumer reporting agency in response to an application for
11 credit. Any consumer report on an applicant obtained by a lender with
12 whom the applicant has initially applied for credit or who holds or services
13 an existing extension of credit of the applicant who is the subject of the
14 report is not considered a mortgage trigger lead.

15 (i) "Person" means any individual, corporation, government,
16 governmental subdivision or agency, business trust, estate, trust,
17 partnership, association, cooperative or other legal entity.

18 (j) "Property" includes real estate, goods and intangible personal
19 property.

20 (k) "Services" includes:

21 (1) Work, labor and other personal services;

22 (2) privileges with respect to transportation, hotel and restaurant
23 accommodations, education, entertainment, recreation, physical culture,
24 hospital accommodations, funerals and cemetery accommodations; and

25 (3) any other act performed for a consumer by a supplier.

26 (l) "Supplier" means a manufacturer, distributor, dealer, seller, lessor,
27 assignor, or other person who, in the ordinary course of business, solicits,
28 engages in or enforces consumer transactions, whether or not dealing
29 directly with the consumer. ~~Supplier does not include any bank, trust
30 company or lending institution which is subject to state or federal
31 regulation with regard to disposition of repossessed collateral by such
32 bank, trust company or lending institution.~~

33 Sec. 2. K.S.A. 2018 Supp. 50-624 is hereby repealed.

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