

SENATE BILL No. 645

By Committee on Federal and State Affairs

3-13

AN ACT concerning the issuance or renewal of licenses to practice a profession; requiring applicants for licensure to be current in payment of state taxes.

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

Section 1. (a) As used in this act:

(1) "License" includes a certificate, permit, registration or other document issued by a licensing body as evidence of a licensee's authority to practice a profession in this state.

(2) "Licensing body" means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, certificate, permit, registration or other authorization to an individual so authorized.

(3) "Licensee" means an individual who is or may be authorized to practice a profession in this state.

(4) "Taxes" means any taxes owed to the state which relate to the practice of a profession for which a license is issued.

Sec. 2. All licensing bodies of this state shall have or shall adopt procedures for the denial or nonrenewal of a license if the licensing body receives information showing an applicant for an original license or the renewal of an existing license is not current in the payment of taxes.

Sec. 3. (a) Except as specifically provided by this act, no license shall be issued or renewed unless the applicant seeking an original license or renewal of an existing license is current in the payment of all taxes owed to the state on the date of the submission of the application for such license.

(b) The provisions of subsection (a) shall not apply to taxes which are under formal appeal or for which an agreement for the payment of such taxes has been entered into by the applicant for licensure and the department of revenue and the applicant for licensure is current in the payments under such agreement.

(c) If the applicant for licensure is a corporation, partnership, trust or association, the individual officers, directors, stockholders, partners, managers or other individual members shall not be required to be current in the payment of the taxes.

1 Sec. 4. (a) Upon receipt of an application for issuance of an original
2 license or the renewal of an existing license, a licensing body shall submit
3 to the department of revenue a request for information to determine
4 whether the applicant is current in the payment of taxes. Such request
5 shall be on forms provided by the department of revenue. Such infor-
6 mation shall be provided to the licensing body within ten days of receipt
7 of the request therefor.

8 (b) If information received pursuant to subsection (a) from the de-
9 partment of revenue shows that the licensee is not current in the payment
10 of taxes owed to the state, the licensing body shall notify the applicant of
11 the licensing body's intent to suspend or to withhold issuance or renewal
12 of the licensee's authorization to practice a profession in this state and
13 the reason therefor. The licensing body shall issue a temporary license to
14 the applicant, if the licensee is otherwise eligible for licensure. The tem-
15 porary license shall be valid for a period of two months. A temporary
16 license may be extended for 30 days to prevent extreme hardship for a
17 person being served by the licensee.

18 Sec. 5. If a license is denied or not renewed pursuant to this act, any
19 funds paid by the applicant for licensure shall not be refunded by the
20 licensing body.

21 Sec. 6. In any review of the licensing body's actions pursuant to this
22 act, conducted by the licensing body at the request of the licensee, the
23 issues on such review shall be limited to the identity of the licensee and
24 the validity of the notice sent by the licensing body pursuant to of section
25 4, and amendments thereto. The licensing body shall have no jurisdiction
26 over issues related to the tax obligation of the licensee.

27 Sec. 7. (a) Except as otherwise provided in this section, the social
28 security number of any individual applicant for a professional license shall
29 be required on the application for such license.

30 As used in this section, "on the application" includes, but is not limited
31 to, any document attached or supplemental to an application or any op-
32 tically, electronically or magnetically recorded data related to an individ-
33 ual application.

34 (b) An agency or other body that accepts applications for professional
35 licenses may permit the use of a Kansas driver's license number or a
36 nondriver's identification card number on an application, provided that
37 the agency or body so advises the applicant.

38 Sec. 8. (a) Notwithstanding any provision of law prohibiting disclo-
39 sure by the department of revenue of the contents of taxpayer records or
40 information and notwithstanding any confidentiality statute of any state
41 agency or licensing body, all information exchanged among or disclosed
42 by the department of revenue, the licensing body and the debtor neces-
43 sary to accomplish and effectuate the intent of this act is lawful.

1 (b) The information obtained by a licensing body from the depart-
2 ment of revenue in accordance with the exemption authorized by sub-
3 section (a) shall be used only for the purpose authorized by this act. Any
4 person employed by, or formerly employed by, a licensing body, and who
5 receives information subject to the provisions of K.S.A. 79-3234, and
6 amendments thereto, or other information designated by law as confi-
7 dential, shall be subject to the same duty of confidentiality with respect
8 to such confidential information imposed by law on officers and employ-
9 ees of the department of revenue and shall be subject to any civil or
10 criminal penalties imposed by law for violations of such duty of
11 confidentiality.

12 Sec. 9. This act shall take effect and be in force from and after its
13 publication in the statute book.

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