

HOUSE BILL No. 2810

By Representative Swenson

2-11

9 AN ACT concerning certain telemarketing and telephone center serv-
10 ices; imposing certain restrictions regarding state contracts for such
11 services; requiring disclosure of certain information to customers; pro-
12 hibiting certain use of personal identification information; providing
13 remedies and penalties for violations.
14

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

16 Section 1. (a) No state agency, officer or employee shall contract on
17 behalf of the state for telemarketing services or telephone center services
18 with any vendor that employs the services of any person not authorized
19 to work in the United States pursuant to federal law in the performance
20 of telemarketing or telephone center services and such services shall be
21 performed in the United States.

22 (b) The secretary of administration shall require each vendor sub-
23 mitting a bid or contract to provide telemarketing services or telephone
24 center services for the state to certify that only the vendor's employees
25 who are authorized to work in the United States pursuant to federal law
26 will be performing services under the contract. Submitting a certification
27 which is required by this subsection and which is known to be false is a
28 severity level 10, nonperson felony.

29 (c) A contract entered into or performed in violation of this section
30 is void. A contract that is void under this section may continue in effect
31 until an alternative contract can be arranged when: (1) Immediate ter-
32 mination would result in harm to the public health or welfare, and (2)
33 the continuation is approved by the secretary of administration. Approval
34 of continuation of contracts under this subsection shall be given for the
35 minimum period necessary to protect the public health or welfare.

36 Sec. 2. (a) As used in this section:

37 (1) "Customer sales call center" means an entity whose primary pur-
38 pose includes the initiating or receiving of telephonic communications on
39 behalf of any person for the purpose of initiating sales, including con-
40 sumer telephone calls, as defined in K.S.A. 50-670, and amendments
41 thereto.

42 (2) "Customer service call center" means an entity whose primary
43 purpose includes the initiating or receiving of telephonic communications

1 on behalf of any person for the purposes of providing or receiving services
2 or information necessary in connection with the providing of services or
3 other benefits.

4 (3) “Customer services employee” means a person employed by or
5 working on behalf of a customer sales call center or a customer service
6 call center.

7 (4) “Identifying information” means: (A) Social security number; (B)
8 driver’s license number; (C) checking account number; (D) savings ac-
9 count number; (E) credit card number; (F) debit card number; (G) per-
10 sonal identification number or code assigned to the cardholder of a debit
11 card by the issuer to permit authorized electronic use of such card; (H)
12 electronic identification number; (I) digital signature; (J) any other num-
13 bers or information that can be used to access a person’s financial re-
14 source; (K) biometric data; (L) fingerprints; (M) password; and (N) par-
15 ent’s legal surname prior to marriage.

16 (b) Any person who receives a telephone call from, or places a tele-
17 phone call to, a customer sales call center or a customer service call cen-
18 ter, upon request, has the right to:

19 (1) Know the identification of the city, state and country where the
20 customer service employee is located;

21 (2) know the name or registered alias of the customer services
22 employee;

23 (3) know the name of the employer of the person with whom the
24 person is speaking; and

25 (4) speak to a qualified employee of the company or government
26 agency the person is doing business with.

27 (c) No person who receives a telephone call from, or places a tele-
28 phone call to, a customer sales call center or a customer service call center
29 shall have the person’s financial, credit or identifying information sent to
30 any foreign country without express written permission.

31 (d) Willful violation of this section is a deceptive act and practice.

32 (e) This section shall be part of and supplemental to the Kansas con-
33 sumer protection act.

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