

HOUSE BILL No. 2161

By Committee on Insurance

1-25

9 AN ACT concerning insurance; relating to use of minimal sales induce-
10 ments; amending K.S.A. 40-966 and K.S.A. 2004 Supp. 40-2404 and
11 repealing the existing sections.
12

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

14 Section 1. K.S.A. 40-966 is hereby amended to read as follows: 40-
15 966. No broker or agent shall knowingly charge, demand or receive a
16 premium for any policy of insurance except in accordance with the pro-
17 visions of this act. No insurer or employee thereof, and no broker or agent
18 shall pay, allow, or give, or offer to pay, allow to give, directly or indirectly,
19 as an inducement to insurance, or after insurance has been effected, any
20 rebate, discount, abatement, credit or reduction of the premium named
21 in a policy of insurance, or any special favor or advantage in the dividends
22 or other benefits to accrue thereon, or any valuable consideration or in-
23 ducement whatever, not specified in the policy of insurance, except to
24 the extent provided for in an applicable filing *or in K.S.A. 40-2404 and*
25 *amendments thereto*. No insured named in a policy of insurance, or any
26 employee of such insured shall knowingly receive or accept directly or
27 indirectly, any such rebate, discount, abatement, credit or reduction of
28 premium, or any such special favor or valuable consideration or induce-
29 ment. Nothing in this section shall be construed as prohibiting the pay-
30 ment of commissions or other compensation to duly licensed agents and
31 brokers, nor as prohibiting any insurer from allowing or returning to its
32 participating policyholder, members or subscribers, dividends, savings or
33 unabsorbed premium deposits. As used in this section the word "insur-
34 ance" includes suretyship and the word "policy" includes bond.

35 Sec. 2. K.S.A. 2004 Supp. 40-2404 is hereby amended to read as
36 follows: 40-2404. The following are hereby defined as unfair methods of
37 competition and unfair or deceptive acts or practices in the business of
38 insurance:

39 (1) *Misrepresentations and false advertising of insurance policies.*
40 Making, issuing, circulating or causing to be made, issued or circulated,
41 any estimate, illustration, circular, statement, sales presentation, omission
42 or comparison which:

43 (a) Misrepresents the benefits, advantages, conditions or terms of any

- 1 insurance policy;
- 2 (b) misrepresents the dividends or share of the surplus to be received
3 on any insurance policy;
- 4 (c) makes any false or misleading statements as to the dividends or
5 share of surplus previously paid on any insurance policy;
- 6 (d) is misleading or is a misrepresentation as to the financial condition
7 of any person, or as to the legal reserve system upon which any life insurer
8 operates;
- 9 (e) uses any name or title of any insurance policy or class of insurance
10 policies misrepresenting the true nature thereof;
- 11 (f) is a misrepresentation for the purpose of inducing or tending to
12 induce the lapse, forfeiture, exchange, conversion or surrender of any
13 insurance policy;
- 14 (g) is a misrepresentation for the purpose of effecting a pledge or
15 assignment of or effecting a loan against any insurance policy; or
- 16 (h) misrepresents any insurance policy as being shares of stock.
- 17 (2) *False information and advertising generally.* Making, publishing,
18 disseminating, circulating or placing before the public, or causing, directly
19 or indirectly, to be made, published, disseminated, circulated or placed
20 before the public, in a newspaper, magazine or other publication, or in
21 the form of a notice, circular, pamphlet, letter or poster, or over any radio
22 or television station, or in any other way, an advertisement, announce-
23 ment or statement containing any assertion, misrepresentation or state-
24 ment with respect to the business of insurance or with respect to any
25 person in the conduct of such person's insurance business, which is un-
26 true, deceptive or misleading.
- 27 (3) *Defamation.* Making, publishing, disseminating or circulating, di-
28 rectly or indirectly, or aiding, abetting or encouraging the making, pub-
29 lishing, disseminating or circulating of any oral or written statement or
30 any pamphlet, circular, article or literature which is false, or maliciously
31 critical of or derogatory to the financial condition of any person, and which
32 is calculated to injure such person.
- 33 (4) *Boycott, coercion and intimidation.* Entering into any agreement
34 to commit, or by any concerted action committing, any act of boycott,
35 coercion or intimidation resulting in or tending to result in unreasonable
36 restraint of the business of insurance, or by any act of boycott, coercion
37 or intimidation monopolizing or attempting to monopolize any part of the
38 business of insurance.
- 39 (5) *False statements and entries.* (a) Knowingly filing with any super-
40 visory or other public official, or knowingly making, publishing, dissemi-
41 nating, circulating or delivering to any person, or placing before the pub-
42 lic, or knowingly causing directly or indirectly, to be made, published,
43 disseminated, circulated, delivered to any person, or placed before the

1 public, any false material statement of fact as to the financial condition
2 of a person.

3 (b) Knowingly making any false entry of a material fact in any book,
4 report or statement of any person or knowingly omitting to make a true
5 entry of any material fact pertaining to the business of such person in any
6 book, report or statement of such person.

7 (6) *Stock operations and advisory board contracts.* Issuing or deliv-
8 ering or permitting agents, officers or employees to issue or deliver,
9 agency company stock or other capital stock, or benefit certificates or
10 shares in any common-law corporation, or securities or any special or
11 advisory board contracts or other contracts of any kind promising returns
12 and profits as an inducement to insurance. Nothing herein shall prohibit
13 the acts permitted by K.S.A. 40-232, and amendments thereto.

14 (7) *Unfair discrimination.* (a) Making or permitting any unfair dis-
15 crimination between individuals of the same class and equal expectation
16 of life in the rates charged for any contract of life insurance or life annuity
17 or in the dividends or other benefits payable thereon, or in any other of
18 the terms and conditions of such contract.

19 (b) Making or permitting any unfair discrimination between individ-
20 uals of the same class and of essentially the same hazard in the amount
21 of premium, policy fees or rates charged for any policy or contract of
22 accident or health insurance or in the benefits payable thereunder, or in
23 any of the terms or conditions of such contract, or in any other manner
24 whatever.

25 (c) Refusing to insure, or refusing to continue to insure, or limiting
26 the amount, extent or kind of coverage available to an individual, or charg-
27 ing an individual a different rate for the same coverage solely because of
28 blindness or partial blindness. With respect to all other conditions, in-
29 cluding the underlying cause of the blindness or partial blindness, persons
30 who are blind or partially blind shall be subject to the same standards of
31 sound actuarial principles or actual or reasonably anticipated experience
32 as are sighted persons. Refusal to insure includes denial by an insurer of
33 disability insurance coverage on the grounds that the policy defines "dis-
34 ability" as being presumed in the event that the insured loses such per-
35 son's eyesight. However, an insurer may exclude from coverage disabili-
36 ties consisting solely of blindness or partial blindness when such condition
37 existed at the time the policy was issued.

38 (d) Refusing to insure, or refusing to continue to insure, or limiting
39 the amount, extent or kind of coverage available for accident and health
40 and life insurance to an applicant who is the proposed insured or charge
41 a different rate for the same coverage or excluding or limiting coverage
42 for losses or denying a claim incurred by an insured as a result of abuse
43 based on the fact that the applicant who is the proposed insured is, has

1 been, or may be the subject of domestic abuse, except as provided in
2 subpart (v). “Abuse” as used in this subsection (7)(d) means one or more
3 acts defined in subsection (a) or (b) of K.S.A. 60-3102 and amendments
4 thereto between family members, current or former household members,
5 or current or former intimate partners.

6 (i) An insurer may not ask an applicant for life or accident and health
7 insurance who is the proposed insured if the individual is, has been or
8 may be the subject of domestic abuse or seeks, has sought or had reason
9 to seek medical or psychological treatment or counseling specifically for
10 abuse, protection from abuse or shelter from abuse.

11 (ii) Nothing in this section shall be construed to prohibit a person
12 from declining to issue an insurance policy insuring the life of an individ-
13 ual who is, has been or has the potential to be the subject of abuse if the
14 perpetrator of the abuse is the applicant or would be the owner of the
15 insurance policy.

16 (iii) No insurer that issues a life or accident and health policy to an
17 individual who is, has been or may be the subject of domestic abuse shall
18 be subject to civil or criminal liability for the death or any injuries suffered
19 by that individual as a result of domestic abuse.

20 (iv) No person shall refuse to insure, refuse to continue to insure,
21 limit the amount, extent or kind of coverage available to an individual or
22 charge a different rate for the same coverage solely because of physical
23 or mental condition, except where the refusal, limitation or rate differ-
24 ential is based on sound actuarial principles.

25 (v) Nothing in this section shall be construed to prohibit a person
26 from underwriting or rating a risk on the basis of a preexisting physical
27 or mental condition, even if such condition has been caused by abuse,
28 provided that:

29 (A) The person routinely underwrites or rates such condition in the
30 same manner with respect to an insured or an applicant who is not a
31 victim of abuse;

32 (B) the fact that an individual is, has been or may be the subject of
33 abuse may not be considered a physical or mental condition; and

34 (C) such underwriting or rating is not used to evade the intent of this
35 section or any other provision of the Kansas insurance code.

36 (vi) Any person who underwrites or rates a risk on the basis of pre-
37 existing physical or mental condition as set forth in subsection (7)(d)(v),
38 shall treat such underwriting or rating as an adverse underwriting decision
39 pursuant to K.S.A. 40-2,112, and amendments thereto.

40 (vii) The provisions of subsection (d) shall apply to all policies of life
41 and accident and health insurance issued in this state after the effective
42 date of this act and all existing contracts which are renewed on or after
43 the effective date of this act.

1 (8) *Rebates.* (a) Except as otherwise expressly provided by law, know-
2 ingly permitting, offering to make or making any contract of life insur-
3 ance, life annuity or accident and health insurance, or agreement as to
4 such contract other than as plainly expressed in the insurance contract
5 issued thereon; paying, allowing, giving or offering to pay, allow or give,
6 directly or indirectly, as inducement to such insurance, or annuity, any
7 rebate of premiums payable on the contract, any special favor or advan-
8 tage in the dividends or other benefits thereon, or any valuable consid-
9 eration or inducement whatever not specified in the contract; or giving,
10 selling, purchasing or offering to give, sell or purchase as inducement to
11 such insurance contract or annuity or in connection therewith, any stocks,
12 bonds or other securities of any insurance company or other corporation,
13 association or partnership, or any dividends or profits accrued thereon,
14 or anything of value whatsoever not specified in the contract.

15 (b) Nothing in subsection (7) or (8)(a) shall be construed as including
16 within the definition of discrimination or rebates any of the following
17 practices:

18 (i) In the case of any contract of life insurance or life annuity, paying
19 bonuses to policyholders or otherwise abating their premiums in whole
20 or in part out of surplus accumulated from nonparticipating insurance.
21 Any such bonuses or abatement of premiums shall be fair and equitable
22 to policyholders and for the best interests of the company and its
23 policyholders;

24 (ii) in the case of life insurance policies issued on the industrial debit
25 plan, making allowance to policyholders who have continuously for a spec-
26 ified period made premium payments directly to an office of the insurer
27 in an amount which fairly represents the saving in collection expenses; or

28 (iii) readjustment of the rate of premium for a group insurance policy
29 based on the loss or expense experience thereunder, at the end of the
30 first or any subsequent policy year of insurance thereunder, which may
31 be made retroactive only for such policy year.

32 (9) *Unfair claim settlement practices.* It is an unfair claim settlement
33 practice if any of the following or any rules and regulations pertaining
34 thereto are: (A) Committed flagrantly and in conscious disregard of such
35 provisions, or (B) committed with such frequency as to indicate a general
36 business practice.

37 (a) Misrepresenting pertinent facts or insurance policy provisions re-
38 lating to coverages at issue;

39 (b) failing to acknowledge and act reasonably promptly upon com-
40 munications with respect to claims arising under insurance policies;

41 (c) failing to adopt and implement reasonable standards for the
42 prompt investigation of claims arising under insurance policies;

43 (d) refusing to pay claims without conducting a reasonable investi-

- 1 gation based upon all available information;
- 2 (e) failing to affirm or deny coverage of claims within a reasonable
3 time after proof of loss statements have been completed;
- 4 (f) not attempting in good faith to effectuate prompt, fair and equi-
5 table settlements of claims in which liability has become reasonably clear;
- 6 (g) compelling insureds to institute litigation to recover amounts due
7 under an insurance policy by offering substantially less than the amounts
8 ultimately recovered in actions brought by such insureds;
- 9 (h) attempting to settle a claim for less than the amount to which a
10 reasonable person would have believed that such person was entitled by
11 reference to written or printed advertising material accompanying or
12 made part of an application;
- 13 (i) attempting to settle claims on the basis of an application which
14 was altered without notice to, or knowledge or consent of the insured;
- 15 (j) making claims payments to insureds or beneficiaries not accom-
16 panied by a statement setting forth the coverage under which payments
17 are being made;
- 18 (k) making known to insureds or claimants a policy of appealing from
19 arbitration awards in favor of insureds or claimants for the purpose of
20 compelling them to accept settlements or compromises less than the
21 amount awarded in arbitration;
- 22 (l) delaying the investigation or payment of claims by requiring an
23 insured, claimant or the physician of either to submit a preliminary claim
24 report and then requiring the subsequent submission of formal proof of
25 loss forms, both of which submissions contain substantially the same
26 information;
- 27 (m) failing to promptly settle claims, where liability has become rea-
28 sonably clear, under one portion of the insurance policy coverage in order
29 to influence settlements under other portions of the insurance policy cov-
30 erage; or
- 31 (n) failing to promptly provide a reasonable explanation of the basis
32 in the insurance policy in relation to the facts or applicable law for denial
33 of a claim or for the offer of a compromise settlement.
- 34 (10) *Failure to maintain complaint handling procedures.* Failure of
35 any person, who is an insurer on an insurance policy, to maintain a com-
36 plete record of all the complaints which it has received since the date of
37 its last examination under K.S.A. 40-222, and amendments thereto; but
38 no such records shall be required for complaints received prior to the
39 effective date of this act. The record shall indicate the total number of
40 complaints, their classification by line of insurance, the nature of each
41 complaint, the disposition of the complaints, the date each complaint was
42 originally received by the insurer and the date of final disposition of each
43 complaint. For purposes of this subsection, "complaint" means any writ-

1 ten communication primarily expressing a grievance related to the acts
2 and practices set out in this section.

3 (11) *Misrepresentation in insurance applications.* Making false or
4 fraudulent statements or representations on or relative to an application
5 for an insurance policy, for the purpose of obtaining a fee, commission,
6 money or other benefit from any insurer, agent, broker or individual.

7 (12) *Statutory violations.* Any violation of any of the provisions of
8 K.S.A. 40-216, 40-276a, 40-2,155 or 40-1515 and amendments thereto.

9 (13) *Disclosure of information relating to adverse underwriting de-*
10 *cisions and refund of premiums.* Failing to comply with the provisions of
11 K.S.A. 40-2,112, and amendments thereto, within the time prescribed in
12 such section.

13 (14) *Rebates and other inducements in title insurance.* (a) No title
14 insurance company or title insurance agent, or any officer, employee,
15 attorney, agent or solicitor thereof, may pay, allow or give, or offer to pay,
16 allow or give, directly or indirectly, as an inducement to obtaining any
17 title insurance business, any rebate, reduction or abatement of any rate
18 or charge made incident to the issuance of such insurance, any special
19 favor or advantage not generally available to others of the same classifi-
20 cation, or any money, thing of value or other consideration or material
21 inducement. The words “charge made incident to the issuance of such
22 insurance” includes, without limitations, escrow, settlement and closing
23 charges.

24 (b) No insured named in a title insurance policy or contract nor any
25 other person directly or indirectly connected with the transaction involv-
26 ing the issuance of the policy or contract, including, but not limited to,
27 mortgage lender, real estate broker, builder, attorney or any officer, em-
28 ployee, agent representative or solicitor thereof, or any other person may
29 knowingly receive or accept, directly or indirectly, any rebate, reduction
30 or abatement of any charge, or any special favor or advantage or any
31 monetary consideration or inducement referred to in (14)(a).

32 (c) Nothing in this section shall be construed as prohibiting:

33 (i) The payment of reasonable fees for services actually rendered to
34 a title insurance agent in connection with a title insurance transaction;

35 (ii) the payment of an earned commission to a duly appointed title
36 insurance agent for services actually performed in the issuance of the
37 policy of title insurance; or

38 (iii) the payment of reasonable entertainment and advertising
39 expenses.

40 (d) Nothing in this section prohibits the division of rates and charges
41 between or among a title insurance company and its agent, or one or
42 more title insurance companies and one or more title insurance agents,
43 if such division of rates and charges does not constitute an unlawful rebate

- 1 under the provisions of this section and is not in payment of a forwarding
2 fee or a finder's fee.
- 3 (e) As used in paragraphs (e) through (i)(7) of this subpart, unless the
4 context otherwise requires:
- 5 (i) "Associate" means any firm, association, organization, partnership,
6 business trust, corporation or other legal entity organized for profit in
7 which a producer of title business is a director, officer or partner thereof,
8 or owner of a financial interest; the spouse or any relative within the
9 second degree by blood or marriage of a producer of title business who
10 is a natural person; any director, officer or employee of a producer of title
11 business or associate; any legal entity that controls, is controlled by, or is
12 under common control with a producer of title business or associate; and
13 any natural person or legal entity with whom a producer of title business
14 or associate has any agreement, arrangement or understanding or pursues
15 any course of conduct, the purpose or effect of which is to evade the
16 provisions of this section.
- 17 (ii) "Financial interest" means any direct or indirect interest, legal or
18 beneficial, where the holder thereof is or will be entitled to 1% or more
19 of the net profits or net worth of the entity in which such interest is held.
20 Notwithstanding the foregoing, an interest of less than 1% or any other
21 type of interest shall constitute a "financial interest" if the primary pur-
22 pose of the acquisition or retention of that interest is the financial benefit
23 to be obtained as a consequence of that interest from the referral of title
24 business.
- 25 (iii) "Person" means any natural person, partnership, association, co-
26 operative, corporation, trust or other legal entity.
- 27 (iv) "Producer of title business" or "producer" means any person,
28 including any officer, director or owner of 5% or more of the equity or
29 capital or both of any person, engaged in this state in the trade, business,
30 occupation or profession of:
- 31 (A) Buying or selling interests in real property;
- 32 (B) making loans secured by interests in real property; or
- 33 (C) acting as broker, agent, representative or attorney for a person
34 who buys or sells any interest in real property or who lends or borrows
35 money with such interest as security.
- 36 (v) "Refer" means to direct or cause to be directed or to exercise any
37 power or influence over the direction of title insurance business, whether
38 or not the consent or approval of any other person is sought or obtained
39 with respect to the referral.
- 40 (f) No title insurer or title agent may accept any order for, issue a
41 title insurance policy to, or provide services to, an applicant if it knows
42 or has reason to believe that the applicant was referred to it by any pro-
43 ducer of title business or by any associate of such producer, where the

1 producer, the associate, or both, have a financial interest in the title insur-
2 surer or title agent to which business is referred unless the producer has
3 disclosed to the buyer, seller and lender the financial interest of the pro-
4 ducer of title business or associate referring the title insurance business.

5 (g) No title insurer or title agent may accept an order for title insur-
6 ance business, issue a title insurance policy, or receive or retain any pre-
7 mium, or charge in connection with any transaction if: (i) The title insurer
8 or title agent knows or has reason to believe that the transaction will
9 constitute controlled business for that title insurer or title agent, and (ii)
10 70% or more of the closed title orders of that title insurer or title agent
11 during the 12 full calendar months immediately preceding the month in
12 which the transaction takes place is derived from controlled business. The
13 prohibitions contained in this subparagraph shall not apply to transactions
14 involving real estate located in a county that has a population, as shown
15 by the last preceding decennial census, of 10,000 or less.

16 (h) Within 90 days following the end of each business year, as estab-
17 lished by the title insurer or title agent, each title insurer or title agent
18 shall file with the department of insurance and any title insurer with which
19 the title agent maintains an underwriting agreement, a report executed
20 by the title insurer's or title agent's chief executive officer or designee,
21 under penalty of perjury, stating the percent of closed title orders origi-
22 nating from controlled business. The failure of a title insurer or title agent
23 to comply with the requirements of this section, at the discretion of the
24 commissioner, shall be grounds for the suspension or revocation of a
25 license or other disciplinary action, with the commissioner able to miti-
26 gate any such disciplinary action if the title insurer or title agent is found
27 to be in substantial compliance with competitive behavior as defined by
28 federal housing and urban development statement of policy 1996-2.

29 (i) (1) No title insurer or title agent may accept any title insurance
30 order or issue a title insurance policy to any person if it knows or has
31 reason to believe that such person was referred to it by any producer of
32 title business or by any associate of such producer, where the producer,
33 the associate, or both, have a financial interest in the title insurer or title
34 agent to which business is referred unless the producer has disclosed in
35 writing to the person so referred the fact that such producer or associate
36 has a financial interest in the title insurer or title agent, the nature of the
37 financial interest and a written estimate of the charge or range of charges
38 generally made by the title insurer or agent for the title services. Such
39 disclosure shall include language stating that the consumer is not obli-
40 gated to use the title insurer or agent in which the referring producer or
41 associate has a financial interest and shall include the names and tele-
42 phone numbers of not less than three other title insurers or agents which
43 operate in the county in which the property is located. If fewer than three

1 insurers or agents operate in that county, the disclosure shall include all
2 title insurers or agents operating in that county. Such written disclosure
3 shall be signed by the person so referred and must have occurred prior
4 to any commitment having been made to such title insurer or agent.

5 (2) No producer of title business or associate of such producer shall
6 require, directly or indirectly, as a condition to selling or furnishing any
7 other person any loan or extension thereof, credit, sale, property, contract,
8 lease or service, that such other person shall purchase title insurance of
9 any kind through any title agent or title insurer if such producer has a
10 financial interest in such title agent or title insurer.

11 (3) No title insurer or title agent may accept any title insurance order
12 or issue a title insurance policy to any person it knows or has reason to
13 believe that the name of the title company was pre-printed in the sales
14 contract, prior to the buyer or seller selecting that title company.

15 (4) Nothing in this subpart (i) shall prohibit any producer of title
16 business or associate of such producer from referring title business to any
17 title insurer or title agent of such producer's or associate's choice, and, if
18 such producer or associate of such producer has any financial interest in
19 the title insurer, from receiving income, profits or dividends produced or
20 realized from such financial interest, so long as:

21 (a) Such financial interest is disclosed to the purchaser of the title
22 insurance in accordance with part (i)(1) through (4) of this subpart;

23 (b) the payment of income, profits or dividends is not in exchange
24 for the referral of business; and

25 (c) the receipt of income, profits or dividends constitutes only a re-
26 turn on the investment of the producer or associate.

27 (5) Any producer of title business or associate of such producer who
28 violates the provisions of paragraphs (i)(2) through (i)(4), or any title in-
29 surer or title agent who accepts an order for title insurance knowing that
30 it is in violation of paragraphs (i)(2) through (i)(4), in addition to any other
31 action which may be taken by the commissioner of insurance, shall be
32 subject to a fine by the commissioner in an amount equal to five times
33 the premium for the title insurance and, if licensed pursuant to K.S.A.
34 58-3034 et seq., and amendments thereto, shall be deemed to have com-
35 mitted a prohibited act pursuant to K.S.A. 58-3602, and amendments
36 thereto, and shall be liable to the purchaser of such title insurance in an
37 amount equal to the premium for the title insurance.

38 (6) Any title insurer or title agent that is a competitor of any title
39 insurer or title agent that, subsequent to the effective date of this act, has
40 violated or is violating the provisions of subpart (i), shall have a cause of
41 action against such title insurer or title agent and, upon establishing the
42 existence of a violation of any such provision, shall be entitled, in addition
43 to any other damages or remedies provided by law, to such equitable or

1 injunctive relief as the court deems proper. In any such action under this
2 subsection, the court may award to the successful party the court costs
3 of the action together with reasonable attorney fees.

4 (7) The commissioner shall also require each title agent to provide
5 core title services as required by the real estate settlement procedures
6 act.

7 (j) The commissioner shall adopt any regulations necessary to carry
8 out the provisions of this act.

9 (15) *Disclosure of nonpublic personal information.* (a) No person
10 shall disclose any nonpublic personal information contrary to the provi-
11 sions of title V of the Gramm-Leach-Bliley act of 1999 (public law 106-
12 102). The commissioner may adopt rules and regulations necessary to
13 carry out this section. Such rules and regulations shall be consistent with
14 and not more restrictive than the model regulation adopted on September
15 26, 2000, by the national association of insurance commissioners entitled
16 “Privacy of consumer financial and health information regulation”.

17 (b) Any rules and regulations adopted by the commissioner which
18 implement article V of the model regulation adopted on September 26,
19 2000, by the national association of insurance commissioners entitled
20 “Privacy of consumer financial and health information regulation” shall
21 become effective on and after February 1, 2002.

22 (c) Nothing in this paragraph (15) shall be deemed or construed to
23 authorize the promulgation or adoption of any regulation which preempts,
24 supersedes or is inconsistent with any provision of Kansas law concerning
25 requirements for notification of, or obtaining consent from, a parent,
26 guardian or other legal custodian of a minor relating to any matter per-
27 taining to the health and medical treatment for such minor.

28 (16) *Inducements.* *No insurer, agent, broker, solicitor or other person*
29 *shall, as an inducement to sell insurance, or in connection with any in-*
30 *surence transaction, provide in any policy for or offer, sell, buy or offer*
31 *or promise to buy, sell, give, promise or allow the insured or prospective*
32 *insured or to any other person on behalf of such insured or prospective*
33 *insured in any manner whatsoever; any prize, goods, wares, merchandise*
34 *certificate or tangible property having an aggregate value in excess of \$25.*

35 Sec. 3. K.S.A. 40-966 and K.S.A. 2004 Supp. 40-2404 are hereby
36 repealed.

37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the statute book.