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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 12, 2025

Subject: Bill Brief on HB 2118

HB 2118 requires any person who solicits a fee for filing or retrieving certain documents from the federal government, the state, a state agency or a local government to give certain notices to consumers and provides that violation of such requirements is a deceptive act or practice subject to penalties under the Kansas consumer protection act.

The bill would enact a new section of law that first specifies the bill applies to any person other than the federal government, the state, a state agency or a local government who solicits a fee for filing or retrieving a copy of a public record or certificate from such government entities. Such persons must include in each such solicitation:

1. A statement that the solicitation is an advertisement, not made by, or on behalf of, any government agency and there is no requirement to take any action in response;
2. the physical address and name of the person making the solicitation;
3. information about how the consumer may file a document with the secretary of state or obtain a copy of a certificate or public record; and
4. the statement that "THIS IS NOT A GOVERNMENT DOCUMENT" in large type on the envelope or outside cover of a mailed solicitation.

Using a format or language that would make the document appear to be issued by a government agency or impose a legal duty is prohibited.

A violation of the bill's requirements constitutes a deceptive act or practice pursuant to the Kansas consumer protection act, K.S.A. 50-626.

The bill defines the term "solicit" or "solicitation" as a direct advertisement and excludes communications initiated by the consumer or with a consumer with whom the solicitor has a current or former commercial relationship.