

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2118

As Amended by Senate Committee on Judiciary

Brief*

HB 2118, as amended, would require certain solicitations to provide specific notice requirements and subject notice violations to penalties under the Kansas Consumer Protection Act (KCPA).

The bill would apply to any person who directly advertises to a person (solicits) a fee for filing a document with, or retrieving a copy or certified copy of a certificate or public record from, the federal government, the State, a State agency, or a local government. The bill would not apply to the federal government, the State, a State agency, or a local government.

The bill would not consider the following a solicitation:

- Consumer-initiated communications; or
- Advertising or marketing to a consumer with whom the solicitor has a current or former commercial relationship a solicitation.

Notice Requirements

Statements

The bill would require a statement in the solicitation stating, "This is an advertisement. This offer is not being made by, or on behalf of, any government agency. You are

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

not required to make any payment or take any other action in response to this offer.”, or another substantially similar statement.

For solicitations in writing, the statement would be required to be in at least 24-point type and located at the top of the physical document or at the beginning of the electronic communication.

If the solicitation is mailed, the bill would require the words, “THIS IS NOT A GOVERNMENT DOCUMENT” in 24-point type and all capital letters on the envelope, outside cover, or wrapper.

Information

The solicitation would be required to include:

- The name of the person making the solicitation;
- Such person’s physical address, which could not be a post office box; and
- Information on where the consumer can file a document directly with the Secretary of State or retrieve a copy or certified copy of a certificate or public record.

Restrictions

The solicitation would not be allowed to be in a form or use deadline dates or other language that makes the document appear to be issued by a government entity or appears to impose a legal duty on the person being solicited.

Consumer Protection Penalties

The bill would make a violation of the notice requirements listed above a deceptive act or practice under the KCPA.

The bill would also specify that for the purposes of the remedies and penalties provided by the KCPA, the person committing the conduct prohibited by the bill would be deemed the supplier, and the person who is the victim of such conduct would be deemed the consumer.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Office of the Secretary of State (SOS).

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by a representative of the SOS. The proponent generally stated the bill would help mitigate scams targeting small businesses.

No other testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing, a representative of the SOS provided **proponent** testimony that was substantially similar to the testimony provided in the House Committee hearing.

No other testimony was provided.

The Senate Committee amended the bill to specify who would be deemed a “supplier” and “consumer” under the KCPA for purposes of the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Attorney General (OAG) indicates it would perform investigative work for the new consumer complaints that could be filed in relation to violations of the provisions of the bill.

The OAG would require \$78,075 from the State General Fund for salary and wages expenditures for 1.0 Investigator position beginning in FY 2026. If a penalty is assessed, any additional revenues would be deposited into the State General Fund (SGF); however, the OAG estimates any increase would be negligible.

The Kansas Judicial Branch indicates the bill could increase the number of cases filed in the district courts because it creates a violation that is considered a deceptive act or practice under the KCPA. These provisions of the bill would increase time spent by district court judicial and non-judicial personnel in processing, researching, and hearing cases. The enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the SGF. The agency indicates that it is unable to estimate a fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor’s Budget Report*.

Kansas Consumer Protection Act; solicitations; advertisement; public records