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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Chris Waggoner, Assistant Revisor

Date: March 7, 2018

Subject: HB 2598 – Relating to the unlawful use of names derived from public records

House Bill No. 2598 (HB 2598) creates a new exception under the Kansas Open Records Act (KORA) pertaining to the unlawful use of names derived from public records under K.S.A. 45-230.

K.S.A. 45-230 states that no person shall give or sell names and addresses derived from public records for the purposes of selling or offering to sell any product or service. The statute then goes on to list multiple exceptions to this such as names and addresses from DMV public records, voter registration lists and applications for vocational or professional licenses.

HB 2598 would create an additional exception for names and addresses from public records of the Secretary of State obtained under K.S.A. 84-9-523. K.S.A. 84-9-523 is a Uniform Commercial Code provision that deals with secured transactions and describes the process for filing records that contain debtor information and descriptions of collateral. In K.S.A. 84-9-523(g), these records are already available to the public since the statute authorizes the filing office to offer to sell or license the records to the public. HB 2598 would bring those records under the purview of KORA for the purpose of allowing those public records to be used by the requester to sell products or services.

If enacted, HB 2598 would become effective on July 1, 2018.