

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairman Olson and Members of the Senate Committee on Utilities
From: Matt Sterling, Assistant Revisor of Statutes
Date: 01/18/2018
RE: House Bill 2273

HB 2273 would amend the Kansas No-Call Act. Under current law, any telephone solicitor who makes an unsolicited consumer telephone call or call using an automatic dialing-announcing device, or robocall, is required to identify themselves, the business on whose behalf they are calling, the purpose of the call, promptly discontinue the call if the person being solicited gives a negative response during the call, hang up or disconnect the call within 25 seconds of the termination of the call by the person being called, and have a live operator or an automated dialing-announcing device answer the line within five seconds of the beginning of the call.

HB 2273 would amend the Kansas No-Call Act by adding new restrictions for telephone solicitors who make robocalls. These calls would be prohibited, unless the person who is receiving the call has consented to or has authorized receipt of the message or the message is immediately preceded by a live operator who obtains the person's consent. The bill would also prohibit robocalls before 9:00 a.m. or after 8:00 p.m. and prohibit such calls from being made to hospitals, ambulatory surgical centers, recuperation centers, ambulance services, emergency medical service facilities, mental health centers, psychiatric hospitals, state institutions for people with intellectual disabilities, law enforcement agencies, or fire departments.

Any violation of the Kansas No-Call Act is an unconscionable act or practice under the Kansas consumer protection act. If the Attorney General believes a violation of the consumer protection act has occurred, the Attorney General may administer oaths and affirmations, subpoena witnesses or matter and collect evidence. If any person willfully fails or refuses to file any statement or report required by this act, or obey any subpoena issued by the attorney general, the attorney general may apply to the district court for injunctive relief restraining the sale or advertisement of any merchandise by such persons or vacate or suspend the corporate charter of a corporation created in this state or revoke or suspend the certificate of authority to do business in this state of a foreign corporation.