

HOUSE BILL No. 2598

By Committee on Federal and State Affairs

2-1

1 AN ACT concerning the Kansas open records act; relating to the unlawful
2 use of names derived from public records; amending K.S.A. 2017
3 Supp. 45-230 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2017 Supp. 45-230 is hereby amended to read as
7 follows: 45-230. (a) No person shall knowingly sell, give or receive, for
8 the purpose of selling or offering for sale any property or service to
9 persons listed therein, any list of names and addresses contained in or
10 derived from public records except:

11 (1) Lists of names and addresses from public records of the division
12 of vehicles obtained under K.S.A. 74-2012, and amendments thereto;

13 (2) lists of names and addresses of persons licensed, registered or
14 issued certificates or permits to practice a profession or vocation may be
15 sold or given to, and received by, an organization of persons who practice
16 that profession or vocation for membership, informational or other
17 purposes related to the practice of the profession or vocation;

18 (3) lists of names and addresses of persons applying for examination
19 for licenses, registrations, certificates or permits to practice a profession or
20 vocation shall be sold or given to, and received by, organizations providing
21 professional or vocational educational materials or courses to such persons
22 for the sole purpose of providing such persons with information relating to
23 the availability of such materials or courses;

24 (4) lists of names, addresses and other information from voter
25 registration lists may be compiled, used, given, received, sold or purchased
26 by any person, as defined in K.S.A. 2017 Supp. 21-5111, and amendments
27 thereto, solely for political campaign or election purposes;

28 (5) lists of names and addresses from the public records of
29 postsecondary institutions as defined in K.S.A. 74-3201b, and
30 amendments thereto, may be given to, and received and disseminated by
31 such institution's separately incorporated affiliates and supporting
32 organizations, which qualify under section 501(c)(3) of the federal internal
33 revenue code of 1986, for use in the furtherance of the purposes and
34 programs of such institutions and such affiliates and supporting
35 organizations; and

36 (6) *lists of names and addresses from public records of the secretary*

1 *of state obtained under K.S.A. 2017 Supp. 84-9-523, and amendments*
2 *thereto; and*

3 (7) to the extent otherwise authorized by law.

4 (b) Any person subject to this section who knowingly violates the
5 provisions of this section shall be liable for the payment of a civil penalty
6 in an action brought by the attorney general or county or district attorney
7 in a sum set by the court not to exceed \$500 for each violation.

8 (c) The provisions of this section shall not apply to nor impose any
9 civil liability or penalty upon any public official, public agency or records
10 custodian for granting access to or providing copies of public records or
11 information containing names and addresses, in good faith compliance
12 with the Kansas open records act, to a person who has made a written
13 request for access to such information and has executed a written
14 certification pursuant to subsection (c)(2) of K.S.A. 45-220, and
15 amendments thereto.

16 (d) This section shall be a part of and supplemental to the Kansas
17 open records act.

18 Sec. 2. K.S.A. 2017 Supp. 45-230 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.