

2023 Kansas Statutes

44-1810. Suspension or revocation of licenses; findings required; orders. (a) An application for a license may be denied or a license may be suspended or revoked by the state fire marshal upon a finding that one or more of the following have been committed by the applicant or licensee:

(1) Any willfully false statement or willful omission as to a material matter made in the process of securing a license or renewal of a license. A material matter is a fact relevant to a question or line of inquiry in the applicable application form or in additional inquiry of the applicant by the state fire marshal that if made known to the state fire marshal could constitute a basis for a denial of the application under this act or rules and regulations adopted pursuant thereto;

(2) fraud, misrepresentation or bribery in securing a license;

(3) failure to notify the state fire marshal and the owner of an elevator or the owner's agent when:

(A) Any elevator is being operated in this state that is not in compliance with this act or rules and regulations adopted pursuant thereto; and

(B) that such noncompliance was known by the licensee or reasonably should have been known by the licensee;

(4) failure to maintain any requirement or to notify the state fire marshal of any material alteration or change relating to any requirement that is necessary to obtain or renew a license that is in nature a continuing requirement, including, but not limited to, insurance requirements; or

(5) any violation of this act or rules and regulations adopted pursuant thereto.

(b) A license may be suspended or revoked upon a finding by the state fire marshal that facts and circumstances exist that require suspension or revocation of the license to protect the safety of the public, including, but not limited to, facts and circumstances going to the competence, ability or fitness of the licensee to safely conduct the work or activities permitted by the license in a manner that does not risk the safety or well-being of co-workers, employees or the public.

(c) An elevator inspector license may be suspended or revoked upon a finding by the state fire marshal that the licensed elevator inspector has performed duties incompetently, demonstrated untrustworthiness, falsified any matter or statement contained in any application or report or failed to report findings of any inspection made by such licensee to the state fire marshal as required under K.S.A. 2023 Supp. 44-1815, and amendments thereto. Such a suspension or revocation shall be effective upon receipt of notice of the suspension or termination by the licensee or the licensee's employer.

(d) Except as otherwise provided by this act, no license shall be suspended or revoked until after a written order issued by the state fire marshal has been served to the licensee who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to request a hearing as provided in K.S.A. 2023 Supp. 44-1812, and amendments thereto. The state fire marshal may issue emergency orders, including, but not limited to, immediate suspensions or revocations of a license, as provided by the Kansas administrative procedure act.

History: L. 2022, ch. 60, § 11; July 1.