

## HOUSE BILL No. 2462

By Committee on Utilities

2-11

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9 AN ACT amending and supplementing the Kansas consumer protection  
10 act; relating to call centers; prohibiting certain acts and providing rem-  
11 edies for violations.

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

14 Section 1. (a) As used in this section, “call center” means an oper-  
15 ation which utilizes telecommunication services in one or more of the  
16 following activities: Providing customer service, providing government  
17 services, soliciting sales of property or services to the person called, so-  
18 liciting extensions of credit to the person called, obtaining information to  
19 be used in soliciting sales or extensions of credit to the person called,  
20 reactivating dormant accounts, conducting surveys or research, collecting  
21 receivables, taking reservations or orders or soliciting charitable or polit-  
22 ical donations.

23 (b) A person answering a call to or making a call from a call center,  
24 upon request by the person from whom such call is received or to whom  
25 such call is made, shall disclose the country where the call center is  
26 located.

27 (c) Violation of subsection (b) is a deceptive and unconscionable act  
28 or practice under the provisions of the Kansas consumer protection act  
29 and shall be subject to any and all enforcement provisions of the Kansas  
30 consumer protection act.

31 (d) Violation of subsection (b) by refusal to disclose the country where  
32 a call center is located shall render the violator liable for a civil penalty  
33 of \$5,000 for each violation instead of the penalty provided for in sub-  
34 section (a) of K.S.A. 50-636, and amendments thereto. Violation of sub-  
35 section (b) by misrepresentation of the country where a call center is  
36 located shall render the violator liable for a civil penalty of \$20,000 for  
37 each violation instead of the penalty provided for in subsection (a) of  
38 K.S.A. 50-636, and amendments thereto.

39 (e) Any person alleging a violation of subsection (b) may bring a pri-  
40 vate action to seek relief pursuant to K.S.A. 50-634, 50-636 and this sec-  
41 tion, and amendments thereto, and such person may be defined as a  
42 consumer pursuant to K.S.A. 50-624, and amendments thereto, for the  
43 purposes of such private action.

1 (f) For purposes of enforcement of this section pursuant to subsec-  
2 tion (d) or (e), the owner and the operator of the call center, and anyone  
3 contracting for the services of the call center, shall be liable for a violation  
4 of subsection (b).

5 (g) This section shall be part of and supplemental to the Kansas con-  
6 sumer protection act.

7 Sec. 2. This act shall take effect and be in force from and after its  
8 publication in the statute book.