

## SENATE BILL No. 387

By Committee on Financial Institutions and Insurance

2-12

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1 AN ACT concerning the Kansas open records act; relating to public  
2 records; commercial use; amending K.S.A. 2013 Supp. 45-230 and  
3 repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 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. 2013 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) to the extent otherwise authorized by law.

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

5 (c) The provisions of this section shall not apply to nor impose any  
6 civil liability or penalty upon:

7 (1) Any public official, public agency or records custodian for  
8 granting access to or providing copies of public records or information  
9 containing names and addresses, in good faith compliance with the Kansas  
10 open records act, to a person who has made a written request for access to  
11 such information and has executed a written certification pursuant to  
12 subsection (c)(2) of K.S.A. 45-220, and amendments thereto; *or*

13 (2) *any person who sells, gives or receives, for the purpose of selling*  
14 *or offering for sale any list of addresses without attendant names or other*  
15 *personally identifiable information contained in or derived from public*  
16 *records. However, no seller, purchaser or recipient of such an address list*  
17 *shall append to it names or other personally identifiable information*  
18 *contained in or derived from public records.*

19 (d) *"Personally identifiable information" means any information that*  
20 *may be used to identify a person.*

21 ~~(d)~~(e) This section shall be a part of and supplemental to the Kansas  
22 open records act.

23 Sec. 2. K.S.A. 2013 Supp. 45-230 is hereby repealed.

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