

HOUSE BILL No. 2767

By Committee on Energy, Utilities and Telecommunications

Requested by Representative Turner

2-8

1 AN ACT concerning the administrative procedure act; relating to service
2 of order or notice; requiring agencies and other entities subject to the
3 administrative procedure act to confirm receipt of service of an order or
4 notice prior to the imposition of fines or penalties; amending K.S.A.
5 77-531 and repealing the existing section.
6

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

8 Section 1. K.S.A. 77-531 is hereby amended to read as follows: 77-
9 531. (a) Service of an order or notice shall be made upon the party and the
10 party's attorney of record, if any, by:

- 11 (1) Delivering a copy of the order or notice to the person to be served;
12 (2) mailing a copy of the order or notice to the person at the person's
13 last known address; or
14 (3) transmitting a copy of the order or notice to the person by
15 electronic means, if such person has consented to service by electronic
16 means.

17 (b) *Subject to the provisions of subsection (c), service shall be*
18 *presumed if the presiding officer, or a person directed to make service by*
19 *the presiding officer, makes a written certificate of service. Delivery of a*
20 *copy of an order or notice means handing the order or notice to the person*
21 *or leaving the order or notice at the person's principal place of business or*
22 *residence with a person of suitable age and discretion who works or*
23 *resides therein. Service by mail is complete upon mailing. Service by*
24 *electronic means is complete upon transmission or as otherwise specified*
25 *in the consent. Any consent to electronic service shall specify when such*
26 *service is complete. Whenever a party has the right or is required to do*
27 *some act or take some proceedings within a prescribed period after service*
28 *of a notice or order and the notice or order is served by mail or electronic*
29 *means, three days shall be added to the prescribed period.*

30 (c) *Notwithstanding the provisions of subsection (b), prior to the*
31 *imposition of any fine or penalty upon any person or party, service of the*
32 *fine or penalty order or notice shall be deemed completed upon the*
33 *documentation of:*

- 34 (1) *The date, time and place of in-person service on a written*
35 *certificate of service;*

- 1 (2) *a reply to service by electronic means;*
- 2 (3) *a certified mail receipt; or*
- 3 (4) *the date, time and place of service by a professional process*
- 4 *server.*
- 5 Sec. 2. K.S.A. 77-531 is hereby repealed.
- 6 Sec. 3. This act shall take effect and be in force from and after its
- 7 publication in the statute book.