AN ACT concerning the Kansas consumer protection act; relating to definitions; consumer transaction; supplier; amending K.S.A. 2018 Supp. 50-624 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 50-624 is hereby amended to read as follows: 50-624. As used in this act:

(a) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a consumer who cultivates, plants, propagates or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(b) "Consumer" means an individual, husband and wife, sole proprietor, or family partnership who seeks or acquires property or services for personal, family, household, business or agricultural purposes.

(c) "Consumer transaction" means a sale, lease, assignment or other disposition for value of property or services within this state—(except insurance contracts regulated under state law), to a consumer; or a solicitation by a supplier with respect to any of these dispositions. "Consumer transaction" does not include the disposition of repossessed collateral by any supplier that is subject to and compliant with any state or federal law or rules and regulations with regard to disposition of such repossessed collateral.

(d) "Family partnership" means a partnership in which all of the partners are natural persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related.

(e) "Final judgment" means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(f) "Lender" means a bank, savings and loan association, savings
bank, credit union, finance company, mortgage bank, mortgage broker and
any affiliate.

(g) "Merchantable" means, in addition to the qualities prescribed in
K.S.A. 84-2-314, and amendments thereto, in conformity in all material
respects with applicable state and federal statutes and regulations
establishing standards of quality and safety.

(h) "Mortgage trigger lead" means a consumer report obtained
pursuant to section 604(c)(1)(B) of the federal fair credit reporting act, 15
U.S.C. § 1681b, where the issuance of the report is triggered by an inquiry
made with a consumer reporting agency in response to an application for
credit. Any consumer report on an applicant obtained by a lender with
whom the applicant has initially applied for credit or who holds or services
an existing extension of credit of the applicant who is the subject of the
report is not considered a mortgage trigger lead.

(i) "Person" means any individual, corporation, government,
governmental subdivision or agency, business trust, estate, trust,
partnership, association, cooperative or other legal entity.

(j) "Property" includes real estate, goods and intangible personal
property.

(k) "Services" includes:

(1) Work, labor and other personal services;

(2) privileges with respect to transportation, hotel and restaurant
accommodations, education, entertainment, recreation, physical culture,
hospital accommodations, funerals and cemetery accommodations; and

(3) any other act performed for a consumer by a supplier.

(l) "Supplier" means a manufacturer, distributor, dealer, seller, lessor,
assignor, or other person who, in the ordinary course of business, solicits,
engages in or enforces consumer transactions, whether or not dealing
directly with the consumer. Supplier does not include any bank, trust
company or lending institution which is subject to state or federal
regulation with regard to disposition of repossessed collateral by such
bank, trust company or lending institution.

Sec. 2. K.S.A. 2018 Supp. 50-624 is hereby repealed.

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