

1 ~~estate sales or brokerage or as an incidental and necessary part of any~~
 2 ~~lawful business activity~~ This act shall not apply to:

3 (a) (1) Banks, building and loan associations, savings and loan
 4 associations, savings banks or credit unions, including agents of any of
 5 these business entities, organized under the laws of and subject to the
 6 supervision of this state, another state or the United States;

7 (2) the government of the United States and its agencies, including
 8 agents of the government and its agencies; or

9 (3) the state of Kansas and its agencies, including agents of the state
 10 of Kansas and its agencies.

11 (b) This act also shall not apply to the distribution, transmission or
 12 payment of money as a part of the lawful practice of law, bookkeeping,
 13 accounting or real estate sales or brokerage or as an incidental and
 14 necessary part of any lawful business activity.

15 Sec. 5. K.S.A. 2011 Supp. 9-512 is hereby amended to read as
 16 follows: 9-512. (a) ~~The commissioner has the power to issue an order to~~
 17 ~~address any violation of this act:~~ , after notice and an opportunity for a hearing, may

18 (1) Assessing a fine against any person who violates this act, or rules
 19 and regulations adopted thereto, in an amount not to exceed \$5,000 per
 20 violation;

21 (2) assessing the agency's operating costs and expenses for
 22 investigating and enforcing this act;

23 (3) requiring the person to pay restitution for any loss arising from
 24 the violation or requiring the person to disgorge any profits arising from
 25 the violation;

26 (4) barring the person from future application for licensure pursuant
 27 to the act; and

28 (5) requiring such affirmative action as in the judgment of the
 29 commissioner which will carry out the purposes of this act.

30 (b) The commissioner may enter into a consent order at any time with
 31 a person to resolve a matter arising under this act, rules and regulations
 32 adopted thereto, or an order issued pursuant to this act.

33 (c) Any person who knowingly violates any provision of this act shall
 34 be guilty of a severity level 9, nonperson felony. Each transaction in
 35 violation of this act and each day that a violation continues shall be a
 36 separate offense ~~except that whenever a corporation shall violate any~~
 37 ~~provision of this act, such violation shall be deemed to be also that of the~~
 38 ~~Whenever a corporation violates any provision of this act, such violation~~
 39 ~~shall be attributed to individual directors, officers, and agents of such~~
 40 ~~corporation who shall who have authorized, ordered, or done performed~~
 41 any of the acts constituting such violation ~~in whole or in part.~~

42 (b) (d) A corporation and its directors, officers, and agents may each
 43 be prosecuted separately for violations of this act and the acquittal or