AN ACT concerning consumer protection; relating to identity theft and identity fraud; security of personal identifying information; powers and duties of the attorney general; amending K.S.A. 2015 Supp. 50-6,139 and repealing the existing section; also repealing K.S.A. 2015 Supp. 50-7a03.

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

New Section 1. (a) Within the limits of available resources, the attorney general may assist victims of identity theft, identity fraud and related crimes and violations in obtaining refunds in relation to fraudulent or unauthorized charges or debits, canceling fraudulent accounts, correcting false information in consumer reports caused by identity theft or identity fraud, correcting false information in personnel files and court records, obtaining security freezes, completing identity theft affidavits, filing complaints and related matters.

(b) This section shall be part of and supplemental to the Kansas consumer protection act.

New Sec. 2. (a) As used in this section:

(1) "Holder of personal identifying information" means a person who, in the ordinary course of business, collects, maintains or possesses, or causes to be collected, maintained or possessed, the personal identifying information of any person.

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

(3) "Personal identifying information" has the meaning provided by K.S.A. 2015 Supp. 21-6107, and amendments thereto.

(4) "Record" has the meaning provided by K.S.A. 84-1-201, and amendments thereto.

(b) A holder of personal identifying information shall:

(1) Implement and maintain reasonable procedures and practices appropriate to the nature of the information, and exercise reasonable care to protect the personal identifying information from unauthorized access, destruction, use, modification or disclosure; and

(2) unless otherwise required by federal law or regulation, take reasonable steps to destroy or arrange for the destruction of any records
within such holder's custody or control containing any person's personal
identifying information when such records are no longer to be retained.
Such destruction shall be by shredding, erasing or otherwise modifying the
personal identifying information in the records to make it unreadable or
undecipherable through any means.
(c) A violation of this section shall be an unconscionable act or
practice in violation of K.S.A. 50-627, and amendments thereto. Each
record that is subject to unauthorized access, destruction, use, modification
or disclosure in violation of this section shall constitute a separate
unconscionable act within the meaning of K.S.A. 50-627, and amendments
thereto.
(d) Notwithstanding any other provision of law to the contrary, the
exclusive authority to bring an action for any violation of this section shall
be with the attorney general.
(e) This section shall be part of and supplemental to the Kansas
consumer protection act.
Sec. 3. K.S.A. 2015 Supp. 50-6,139 is hereby amended to read as
follows: 50-6,139. (a) The conduct prohibited by K.S.A. 2015 Supp. 21-
6107, and amendments thereto, constitutes an unconscionable act or
practice in violation of K.S.A. 50-627, and amendments thereto, and any
person who engages in such conduct shall be subject to the remedies and
penalties provided by the Kansas consumer protection act.
(b) For the purposes of the remedies and penalties provided by the
Kansas consumer protection act:
(1) The person committing the conduct prohibited by K.S.A. 2015
Supp. 21-6107, and amendments thereto, shall be deemed the supplier, and
the person who is the victim of such conduct shall be deemed the
consumer; and
(2) proof of a consumer transaction shall not be required.
(c) This section shall be part of and supplemental to the Kansas
consumer protection act and
(d) The provisions of this section and sections 1 and 2, and
amendments thereto, shall be known and may be cited as the Wayne Owen
law act.
(e) The attorney general may adopt rules and regulations as deemed
appropriate for the administration of the Wayne Owen act. Any violation
of rules and regulations adopted pursuant to such authority shall be
considered a violation of the Wayne Owen act.
Sec. 4. K.S.A. 2015 Supp. 50-6,139 and 50-7a03 are hereby repealed.
Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.