

2016 Kansas Statutes

74-7039. Civil penalties for violations; notice and hearing; fines, costs, attorney fees, disposition; determination of amount, factors.

(a) The board, in addition to any other penalty prescribed under K.S.A. 74-7001 et seq., and amendments thereto, may assess civil fines after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All civil fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(b) The board may also assess costs, including attorney fees, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in addition to any fine imposed. All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund.

(c) In determining the amount of penalty to be assessed pursuant to this section, the board may consider the following factors among others:

- (1) Willfulness of the violation;
- (2) repetitions of the violation; and
- (3) magnitude of the risk of harm to the health, safety, property and welfare of the public caused by the violation.

History: L. 1992, ch. 240, § 27; L. 2001, ch. 5, § 335; L. 2014, ch. 88, § 30; July 1.