

2023 Kansas Statutes

79-3309. Violations of act that may result in suspension or revocation of license; notice of violation; request for hearing; restraining orders or injunctions. (a) Whenever the director has reason to believe that any person licensed under this act has violated any of the provisions of this act, in any of the following ways, the director shall notify the person by certified mail of the director's intention to suspend or revoke the person's license or licenses, if the person:

- (1) Has been convicted on or after January 1, 2013, of a felony under the laws of this state or any other state or the United States;
- (2) is not current in the payment of any tax or fine under this act;
- (3) has had a cigarette license revoked in this state or any other state;
- (4) is not at least 21 years of age;
- (5) intends to carry on the business as an agent of another;
- (6) at the time of application for renewal of any license issued under this act, would not be eligible for the license upon first application;
- (7) does not own the premises for which a license is sought, or does not, at the time of the application, have a written lease;
- (8) has been convicted of a crime involving any tax under this act;
- (9) in the case of a corporation, any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

- (A) Has had a license revoked under this act; or
- (B) has been convicted of a crime involving any tax under this act; or
- (10) in the case of a limited liability company, any officer, manager or director thereof, or any member owning in the aggregate more than 5% of the limited liability company, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

- (A) Has had a license revoked under this act; or
- (B) has been convicted of a crime involving any tax under this act.

(b) Within 30 days after the mailing of the notice, the person may request a hearing in writing before the director. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If, after such hearing, it appears to the satisfaction of the director that the person has violated any of the provisions of this act, the director is hereby authorized and empowered to suspend or revoke the person's license or licenses and may in addition deny the application of the person for a license or licenses for a portion of the succeeding calendar year for such period as the director determines is necessary, but in no case for a period ending more than one year following the date upon which the license or licenses were suspended or revoked. The suspension or revocation of a vending machine operator's master license shall suspend or revoke all vending machine permits issued to the vending machine operator for the term of the license suspension or revocation.

(c) If a person continues to engage in activities requiring a license under this act after having notice or knowledge of the suspension or revocation of the person's license or licenses or after becoming more than 10 days delinquent in filing a bond payable to the state of Kansas as required by the director, payment of any fine, tax, penalty or interest imposed pursuant to this act, the state shall be entitled, in any proceedings brought for such purposes, to have an order and judgment restraining and enjoining such unlawful sale and no bond shall be required for the issuance of any such restraining order or injunction.

History: L. 1933, ch. 122, § 9 (Special Session); L. 1935, ch. 309, § 1; L. 1939, ch. 329, § 8; L. 1943, ch. 290, § 4; L. 1949, ch. 483, § 1; L. 1957, ch. 429, § 19; L. 1966, ch. 46, § 3 (Budget Session); L. 1967, ch. 498, § 6; L. 1988, ch. 356, § 331; L. 1996, ch. 214, § 5; L. 2017, ch. 96, § 7; L. 2023, ch. 18, § 2; July 1.