

Kansas Administrative Regulations

Secretary of State

Article 41.—Kansas Uniform Electronic Transactions Act

7-41-11. Recovery against financial security.

(a) In order to recover against a registered certification authority's surety bond, certificate of insurance, or other evidence of financial security, the claimant shall meet the following requirements:

(1) File a signed notice of the claim with the secretary of state, providing the following information:

(A) The name and address of the claimant;

(B) the amount claimed;

(C) the grounds for the qualified right to payment; and

(D) the date of the occurrence forming the basis of the claim; and

(2) attach to the notice a certified copy of the judgment upon which the qualified right to payment is based, except as provided in subsection (b).

(b) If the notice specified in this regulation is filed before entry of judgment, the notice shall be held on file by the secretary of state, without further action, until the claimant files a copy of the judgment. If the secretary of state determines that the action identified in the notice finally has been resolved without a judgment awarding the claimant a qualified right to payment, the notice may be expunged by the secretary of state from the secretary of state's records. A notice shall not be expunged by the secretary of state until two years have elapsed since the notice first was filed.

(c) A notice for filing shall be rejected by the secretary of state if the date of the occurrence forming the basis for the complaint is more than two years before the filing of the notice.

(d) If the notice and judgment are filed pursuant to paragraphs (a)(1) and (2), a copy of the notice and judgment shall be provided by the secretary of state to the surety, insurer, or issuer of the financial security for qualified right of payment to the claimant.

(Authorized by K.S.A. 16-1618; implementing K.S.A. 16-1617; effective July 6, 2001;
amended March 6, 2009.)

***** Authenticated Kansas Administrative Regulation *****