Kansas Administrative Regulations

State Bank Commissioner—Division of Consumer and Mortgage Lending

Article 6.—Uniform Consumer Credit Code

75-6-38. Record retention.

(a) When a licensee or consumer credit filer originates a consumer credit transaction, the licensee or consumer credit filer shall retain the following records, as applicable, for at least 36 months following the consummation date of the consumer credit transaction or, if the transaction is not consummated, the application date:

(1) The application;

(2) the contract and any addendum or rider;

(3) all records and disclosures evidencing compliance with applicable federal lending and leasing laws and regulations;

(4) any written agreements with the consumer that describe rates or fees;

(5) any documentation that aided the licensee or consumer credit filer in making a decision to engage in a consumer credit transaction, including a credit report, verification of employment, verification of income, bank statements, payroll records, and tax returns;

(6) all paid invoices for credit report, filing, and any other closing costs;

(7) any credit insurance requests and insurance certificates;

(8) the assignment of the contract;

(9) all records of consumer correspondence, including written communications, electronic mail, instant messages and phone logs, any notes detailing contact with each consumer, and any phone conversation recordings or transcripts;

(10) all other agreements for products or services charged in connection with each transaction by the licensee, consumer credit filer, or third party, including guaranteed asset protection plans and warranties; and

(11) any other disclosures or statements required by law;

(b) When a licensee or consumer credit filer directly or indirectly undertakes collection of payments or enforcement of rights against debtors in any consumer credit transaction, the licensee or consumer credit filer shall retain the following records, as applicable, for at least 36 months following the final entry to each account:

(1) All records listed in subsection (a) if the licensee or consumer credit filer owns or takes assignment of the account;

(2) a complete payment history, including the following:

(A) An explanation of transaction codes, if used;

(B) the principal balance;

(C) the payment amounts;

(D) the payment dates;

(E) the distribution of each payment amount to interest, principal, and late fees or other fees; and

(F) any other amounts that have been added to, or deducted from, each consumer's account; and

(3) any other statements, disclosures, invoices, or information for each account, including the following:

(A) Documentation supporting any amounts added to each consumer's account or evidence that a service was actually performed in connection with these amounts, including costs of collection, attorney's fees, skip tracing, retaking, or repossession fees;

(B) loan modification agreements;

(C) forbearance or any other repayment agreements;

(D) subordination agreements;

(E) surplus or deficiency balance statements;

(F) default-related correspondence or documents;

(G) evidence of sale of repossessed collateral;

(H) the notice of the consumer's right to cure;

(I) property insurance advance disclosure;

(J) force-placed property insurance;

(K) notice and evidence of credit insurance premium refunds;

(L) deferred interest;

(M) suspense accounts;

(N) all records of correspondence with the consumer, including written communications, electronic mail, instant messages, phone logs, any notes detailing contact with the consumer, and any phone conversation recordings or transcripts; and

(O) any other product or service agreements.

(c) Each licensee and consumer credit filer shall retain any records relating to servicing activities of the licensee or consumer credit filer, including the records listed in this subsection, regarding any consumer credit transactions. The licensee or consumer credit filer shall retain the following records for at least the previous 36 months:

(1) Historical records for all adjustable rate indices used;

(2) a log of all accounts sold, transferred, or assigned that details to whom the accounts were sold, transferred, or assigned;

(3) a log of all accounts in which repossession activity has been initiated;

(4) a log of all credit insurance claims and accounts paid by credit insurance; and

(5) a schedule of servicing fees and charges imposed by the licensee, consumer credit filer, or a third party; and

(6) disclosures and agreements between the licensee or consumer credit filer and all servicers or sub-servicers the licensee or consumer credit filer uses to process any transactions.

(d) When a licensee or consumer credit filer purchases an account in a consumer credit transaction as defaulted debt or as a defaulted receivable, the licensee or consumer credit filer shall, in lieu of the requirements of subsections (a), (b), and (c), retain the following records relating to the purchased debts or receivables for at least 36 months following the purchase or final entry to each account, whichever is later:

(1) The consumer's first and last name;

(2) the consumer's social security number or other government-issued identification number, if obtained by the original creditor;

(3) the consumer's last known address;

(4) the originating creditor's name and address;

(5) evidence establishing the consumer's liability, which may include a copy of the signed contract, a copy of the most recent debt or receivable terms and conditions, or a copy of the last activity statement;

(6) the account number;

(7) the unpaid balance due on the account along with an itemization of interest, fees, and payments, and any credits or adjustments;

(8) the date and amount of the consumer's last payment, if any;

(9) the date and amount of the last disbursement or draw from the account;

(10) sufficient information to calculate the dates of account delinquency and default;

(11) the date of charge-off;

(12) a copy of a statement that reflects the unpaid balance at the time of charge-off;

(13) a copy of each bill of sale or other document evidencing the transfer of ownership of the debt or receivable from the initial sale by the original creditor to each successive owner, such that when the bills of sale or other documents are viewed in their totality they provide a complete and unbroken chain of title documenting the name

and dates of ownership of the original creditor and each subsequent owner up to and including the buyer in the current sale;

(14) any settlement offers or agreements, whether or not accepted, between the consumer and the original creditor or between the consumer and any subsequent owner up to and including the buyer in the current sale;

(15) any paid-in-full notices or other documentation showing successful completion of a settlement, whether the settlement and its completion was between the consumer and the original creditor or between the consumer and any subsequent owner up to and including the buyer in the current sale; and

(16) all records of consumer correspondence, including written communications, electronic mail, instant messages and phone logs, any notes detailing contact with each consumer, and any phone conversation recordings or transcripts.

(e) Affidavits or attestations that are not sworn or attested by the original consumer shall not be substituted for any of the requirements of subsection (d).

(f) In addition to meeting the requirements specified in subsections (a) through (e), each licensee or consumer credit filer shall retain for at least the previous 36 months the documents related to the general business activities of the licensee or consumer credit filer, which shall include the following:

(1) Advertising records, including copies of printed advertisements or solicitations and those by internet or other electronic means;

(2) the business account check ledger or register;

(3) all financial statements, balance sheets, or statements of condition;

(4) a detailed list of all transactions originated, closed, purchased, or serviced; and

(5) a schedule of the licensee's fees and charges.

(g) As used in this article:

(1) “Charge-off” means the time at which the original creditor has written off the debt or receivable and is no longer collecting from the consumer; and

(2) “licensee” and “consumer credit filer” includes assignees and servicers of consumer credit transactions and does not include supervised financial organizations. (Authorized by K.S.A.2025 Supp. 16a-6-104; implementing K.S.A. 2025 Supp. 16a-2-304; effective Oct. 2, 2009; amended July 24, 2026.)