



LAWS OF ALASKA

2008

Source

SCS CSHB 111(FIN)

Chapter No.

AN ACT

Decreasing the fee for a business license; relating to a civil fine for not having a current business license, to business license penalties under certain laws relating to financial institutions, occupational licensing, employment agencies, and taxation, and to the duration of certain business licenses; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

Decreasing the fee for a business license; relating to a civil fine for not having a current business license, to business license penalties under certain laws relating to financial institutions, occupational licensing, employment agencies, and taxation, and to the duration of certain business licenses; and providing for an effective date.

* **Section 1.** AS 06.01.035 is amended by adding a new subsection to read:

(j) Notwithstanding the other provisions of this section, the failure to have a business license issued under AS 43.70.020 as required by AS 06.50.020(a) is not a violation for the purposes of (a) and (e) - (g) of this section.

* **Sec. 2.** AS 08.01.102 is amended to read:

Sec. 08.01.102. Citation for unlicensed practice or activity. The department may issue a citation for a violation of a license requirement under this chapter, **except a requirement to have a license under** [OR] AS 43.70, if there is probable cause to believe a person has practiced a profession or engaged in business for which a license

1 is required without holding the license. Each day a violation continues after a citation
2 for the violation has been issued constitutes a separate violation.

3 * **Sec. 3.** AS 16.40.290(a) is amended to read:

4 (a) Except as provided in (b) and (c) of this section, a person who knowingly
5 violates AS 16.40.260 - 16.40.299 or a regulation adopted under AS 16.40.260 -
6 16.40.299 is guilty of a class A misdemeanor. **However, this subsection does not**
7 **apply to the failure to hold a current business license under AS 16.40.260(a)(1) as**
8 **required under AS 43.70.**

9 * **Sec. 4.** AS 23.15.510 is amended to read:

10 **Sec. 23.15.510. Violations.** A person who wilfully violates any provision of
11 AS 23.15.330 - 23.15.520 is guilty of a misdemeanor, and upon conviction is
12 punishable by a fine of not more than \$1,000, or by imprisonment for not more than
13 six months, or by both. **However, this section does not apply to the violation of the**
14 **requirement under AS 23.15.390 to comply with AS 43.70.**

15 * **Sec. 5.** AS 43.05.290(h) is amended to read:

16 (h) A person engaging in or attempting to engage in a business, trade,
17 profession, or occupation for which a license is required under this title, who wilfully
18 fails to obtain the license, is guilty of a misdemeanor [,] and, upon conviction, is
19 punishable by a fine of not more than \$2,000, or by imprisonment for not more than
20 six months, or by both. **This subsection does not apply to a violation of**
21 **AS 43.70.020.**

22 * **Sec. 6.** AS 43.70.020(d) is amended to read:

23 (d) A person engaging in a business subject to licensing provisions of a
24 regulatory nature (for example, the requirement of posting a bond before beginning
25 business as a collection agency) must, in addition to filing the regular application
26 required by this section, comply with those regulatory provisions before being entitled
27 to a license under this chapter. **The department may establish that a license that is**
28 **issued under this section expires at the same time as a license, certificate, permit,**
29 **registration, or similar document issued under AS 08.**

30 * **Sec. 7.** AS 43.70.020 is amended by adding a new subsection to read:

31 (e) If a person knowingly engages in a business in the state without having a

1 current license issued under (a) of this section, the department may impose a civil fine
2 of up to \$300. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

3 * **Sec. 8.** AS 43.70.030(a) is amended to read:

4 (a) The fee for each business license is **\$50 a** [\$100 PER] year, except that the
5 fee is **\$25** [\$50] if

6 (1) the business is a sole proprietorship; and

7 (2) the sole proprietor is 65 years of age or older when the sole
8 proprietor applies for the license or will reach 65 years of age at any time during the
9 year for which the license is issued.

10 * **Sec. 9.** This Act takes effect October 1, 2009.