

3, and Par. (3), Subsec. (c), Sec. 1, Ch. 71, SLA 1955; and providing for an effective date.

(S.B. 242)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Par. (3), Subsec. (c), Sec. 1, Ch. 71, SLA 1955, is amended to read:

(3) appoint the commissioner of commerce as their statutory agent for the service of legal process.

Sec. 2. Sec. 3, Ch. 71, SLA 1955, is amended to read:

Sec. 3. Commissioner of Commerce as Agent for Service of Process. Every nonresident corporation, firm, partnership, association, joint venture, person, and other business entity shall, as a condition precedent to severing or taking any resources or transacting or doing business in Alaska, file with the commissioner of commerce a duly executed and notarized instrument constituting the commissioner of commerce and his successors in office the true and lawful attorney upon whom all original process may be served in any action or legal proceeding resulting from the taxpayer's failure or neglect to pay any state taxes or license fees, and therein shall agree that any original process against such nonresident taxpayer shall be of the same force and effect as if personally served on such nonresident taxpayer within Alaska. The service of such pro-

cess shall be made by leaving a copy with the commissioner of commerce. In the event legal action is instituted against such a nonresident taxpayer, the commissioner of commerce shall forthwith notify such nonresident by sending a copy of said process by registered letter to the post office address stated in the affidavit on file with the commissioner of revenue, or, if no address is stated in the affidavit, to his last known address.

In case such a nonresident taxpayer has engaged in severing or taking any resources or transacting or doing business in Alaska and shall have failed to comply with the above condition precedent of appointing the commissioner of commerce as agent for service of process, service may nevertheless be made upon the commissioner of commerce, who shall then transmit a copy of said process by registered mail to the last known address of the taxpayer, and such service shall be held in all courts within the state to be binding to the same force and effect as if personally served on such nonresident taxpayer within Alaska.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 18, 1962

CHAPTER 144

AN ACT

Relating to the regulation of unfair and deceptive practices in the advertising and sale of civil defense aids.

(S.B. 281)

Be it enacted by the Legislature of the State of Alaska:

Section 1. A "civil defense aid" is any product, service, structure, or improvement which is intended for use by civilians as a protection against any consequence of an attack by a foreign power on the United States of America and includes but is not limited to protective shelters or improvements.

Sec. 2. The state director of civil defense may promulgate regulations under the Alaska Administrative Procedure Act defining fair standards in the advertising and sale of civil defense aids and shall prohibit unfair or deceptive practices.

Sec. 3. Regulations promulgated by the state director of civil defense shall prohibit the following practices:

- (1) exaggerated or misleading claims of protection afforded by shelters;
- (2) the use of misleading pictures;
- (3) the use of deceptive pricing practices;
- (4) the use of guarantees in such a manner as to constitute a misrepresentation;
- (5) representations of endorsement by a governmental agency; and
- (6) any unfair or deceptive practice.

Sec. 4. Installment or credit purchase plans for civil defense aids shall include

a clear statement of any financial terms including a statement of annual simple interest.

Sec. 5. Any person, firms, association, or corporation or any agent, officer, employee, or member thereof who violates any provision of this Act or any regulation promulgated by the state director of civil defense under this Act shall be punished by a fine not to exceed \$500, or imprisonment for not longer than six months; or, in the alternative, shall be subject to a civil penalty not to exceed \$5,000.

Sec. 6. The attorney general will prosecute any legal action on behalf of the state director of civil defense.

Approved April 18, 1962

CHAPTER 145

AN ACT

Creating a lien in favor of an employee when an employer fails to make payments to an employee benefit fund; and providing for an effective date.

(S.B. 282)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Art. 2, Ch. 2, Title 43, ACLA 1949, is amended by adding a new section to read:

43-2-14. Employee Benefit Fund: Lien in Favor of Employee: Enforcement.

(A) When an employer has agreed with an employee or group of employees to make payment to a medical, health, hospital, welfare, or pension fund or such other fund for the benefit of the employees, or has entered into a collective bargaining agreement providing for the payments, but fails to make the payments when due, a lien is created in favor of each affected employee on the earnings of his employer and on all property of his employer used in the operation of his employer's business to the extent of the money, plus any penalties due to be paid on the employee's behalf to qualify him for participation in the fund and for any expenses incurred by him for which he would have been entitled to reimbursement under the fund if the required payments had been made.

(B) 1. The lien claimant, his representative, or the trustee of the fund on

behalf of the claimant shall file a notice of claim within 60 days after the employer's payment is due with the recorder of the judicial district in which the employer's place of business is located or in which the claimant resides. The notice contains

- a. the name of employee;
- b. the name of the employer and the name of the person employing the claimant if known;
- c. a statement of the pertinent terms and conditions of the employee benefit plan;
- d. the date when the payments are due and were to have been paid; and
- e. a statement of the demand including the amounts due to the claimant if any expenses have been incurred.

2. The notice of claim of lien shall be served on the employer in the same manner as a summons and complaint in civil actions or mailed to him by registered mail.