



# LAWS OF ALASKA

1967

Source

Chapter No.

HB 53 am

74

## AN ACT

Relating to the licensing and bonding of distributors.

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

\* Section 1. AS 03 is amended by adding a new chapter to read:

#### CHAPTER 57. VEGETABLES OF ALASKA ORIGIN.

Sec. 03.57.010. LICENSE REQUIRED. (a) No person may engage in business as a dealer in vegetables unless he has obtained a license.

(b) The fee for the license is \$25. The director of the division of agriculture of the Department of Natural Resources shall grant a license to each person who pays the fee.

(c) The license shall be posted at the place where the dealer conducts his business.

Sec. 03.57.020. BOND REQUIRED. Each dealer is required to obtain and file with the director of the division of agriculture of the Department of Natural Resources a bond in the amount of \$5,000. The bond shall be conditioned on the faithful performance of the legal duties of the dealer as set out in this chapter and the payment for vegetables purchased by him. The bond is payable to the person injured to the extent of the damages. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of the bond. The surety may cancel the bond upon giving 30 days' notice in writing to the director and thereafter shall be relieved of any liability for a breach of condition occurring after the effective date of cancellation.

Sec. 03.57.030. UNFAIR TRADE PRACTICES. (a) It is a breach of a dealer's legal duties to engage in the following unfair trade practices:

(1) failure to pay within 30 days after receipt of vegetables unless otherwise agreed upon at time of purchase in accordance with a contract or agreed purchase price;

(2) failure to account truly and accurately for all vegetables handled as a broker or on consignment or joint account;

(3) rejection without reasonable cause of vegetables purchased or contracted to be handled on consignment;

(4) dumping, discarding, or destroying vegetables on consignment without reasonable cause, or reinspection by the director or his agent;

(5) failure to deliver in accordance with the terms of a contract, without reasonable cause;

(6) discriminating or deceptive practices in weighing or counting vegetables bought or sold;

(7) misrepresentation of the grade, quantity, condition, weight, count, or state of origin of vegetables.

(b) A dealer shall keep accurate records of his transactions. The records shall be retained for 18 months and subject to examination by the director.

Sec. 03.57.040. DEFINITIONS. In this chapter

(1) "vegetables" means fresh vegetables of Alaska origin, including vegetables packed in ice;

(2) "dealer" means a person engaged in the business of buying or selling vegetables in intrastate, interstate, or foreign commerce, except

(A) producers selling vegetables of their own raising;

(B) retailers; and

(C) a frozen food broker who acts as an independent agent negotiating sales for the vendor and whose only sales of perishable agriculture commodities consist of frozen vegetables;

(3) "broker" means a person engaged in the business of negotiating sales and purchases of any vegetables on behalf of the seller or the purchaser.