

**CS FOR HOUSE BILL NO. 457(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/23/96

Referred: Judiciary

Sponsor(s): REPRESENTATIVE JAMES

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the unlicensed practice of certain occupations for which  
2 licenses are required."

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

4 \* **Section 1.** AS 08.01 is amended by adding a new section to read:

5           Sec. 08.01.089. CIVIL PENALTY FOR UNLICENSED PRACTICE. (a) In  
6 addition to any other provision of law, if a person practices or offers to practice an  
7 occupation in this state that is regulated under this title by a board or by the  
8 department without being licensed in accordance with the provisions of this title, the  
9 department may enter an order imposing a civil penalty.

10           (b) A civil penalty imposed under this section may not exceed \$5,000 for each  
11 offense. The department shall set the amount of the penalty after taking into account  
12 appropriate factors, including the seriousness of the violation, the economic benefit  
13 resulting from the violation, the history of violations, and other matters the department  
14 considers appropriate.

1 (c) Before issuing an order under this section, the department shall provide the  
2 person written notice and the opportunity to request, within 30 days of issuance of  
3 notice by the department, a hearing on the record.

4 (d) In connection with proceedings under (a) - (c) of this section, the  
5 department may issue subpoenas to compel the attendance and testimony of witnesses  
6 and the disclosure of evidence, and may request the attorney general to bring an action  
7 to enforce a subpoena.

8 (e) A person aggrieved by the imposing of a civil penalty under this section  
9 may file an appeal with the superior court for judicial review of the penalty under  
10 AS 44.62.560.

11 (f) If a person fails to pay a civil penalty within 30 days after entry of an order  
12 under (a) of this section, or if the order is stayed pending an appeal, within 10 days  
13 after the court enters a final judgment in favor of the department of an order appealed  
14 under (e) of this section, the department shall notify the attorney general. The attorney  
15 general may commence a civil action to recover the amount of the penalty.

16 (g) An action to enforce an order under this section may be combined with an  
17 action for an injunction under AS 08.01.087.

18 (h) The department may not impose a fine under this section for an act for  
19 which a fine has already been imposed by a board under this title.

20 (i) Notwithstanding other provisions of this section and the definition of  
21 "license" in AS 08.01.110, the department may not impose a civil penalty under this  
22 section based solely on a person's failure to have a business license required under  
23 AS 43.70.

24 \* **Sec. 2. APPLICABILITY.** This Act applies to violations of AS 08 that occur on or after  
25 the effective date of this Act.