

**CS FOR HOUSE BILL NO. 244(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/8/00

Referred: Rules

Sponsor(s): REPRESENTATIVES CROFT, Dyson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to disclosure of information by the attorney general about  
2 possible unfair trade practices; and relating to liability for allegations relating to  
3 unfair trade practices."

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
6 section to read:

7 FINDINGS. The legislature finds that

8 (1) violations of AS 45.50.471 - 45.50.561 (unfair trade practices and consumer  
9 protection) are a matter of public concern;

10 (2) dissemination of information about violations of AS 45.50.471 - 45.50.561  
11 would be beneficial to the public by warning the public about unfair trade practices;

12 (3) persons should not be discouraged from writing or speaking about  
13 violations by the threat of litigation; and

14 (4) persons who file complaints about unfair trade practices with the attorney

1 general should be able to find out information about the status of the investigation of their  
2 complaints.

3 \* **Sec. 2.** AS 45.50.521 is amended by adding a new subsection to read:

4 (c) Notwithstanding (b) of this section, the attorney general may communicate  
5 freely about the investigation of an act or practice that may be unlawful under  
6 AS 45.50.471 to the person, if any, who filed a complaint about the act or practice  
7 with the attorney general.

8 \* **Sec. 3.** AS 45.50 is amended by adding a new section to read:

9 **Sec. 45.50.525. Limits on cause of action for statements.** A person may not  
10 bring an action for defamation of character, libel, slander, or damage to reputation  
11 against a person who makes an allegation that an act or practice is or may be unlawful  
12 under AS 45.50.471 unless the person who made the statement knew that the statement  
13 was not true, made the statement with reckless disregard for the truth of the statement,  
14 or made the statement to obtain a competitive business advantage. This section does  
15 not extinguish a defense to the actions that are the subject of this section if the defense  
16 exists in common law on the effective date of this Act.

17 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section  
18 to read:

19 **APPLICABILITY.** AS 45.50.525, enacted by sec. 3 of this Act, does not apply to  
20 statements made before the effective date of this Act.