

CS FOR SENATE BILL NO. 312(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/13/06

Referred: Finance

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the promotion of live public events for which tickets are sold in**
2 **advance."**

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

4 *** Section 1.** AS 08.01.010(11) is amended to read:

5 (11) regulation of **covered event** [CONCERT] promoters under
6 AS 08.92;

7 *** Sec. 2.** AS 08.92.010 is amended to read:

8 **Sec. 08.92.010. Registration required.** A person may not engage in the
9 business of promoting **a covered event** [CONCERTS] in the state without a valid
10 promoter's certificate of registration issued by the department. To remain valid, a
11 certificate of registration must be renewed on a date set by the department.

12 *** Sec. 3.** AS 08.92.020(a) is amended to read:

13 (a) An applicant for a promoter's certificate of registration shall pay **the fees**
14 [AN ORIGINAL REGISTRATION FEE] established by regulations adopted under

1 AS 08.01.065.

2 * **Sec. 4.** AS 08.92.030 is amended to read:

3 **Sec. 08.92.030. Cash [BOND OR CASH] deposit or escrow account**
 4 **required.** A promoter [OF CONCERTS] shall, at the time of applying for a certificate
 5 of registration, **(1)** file with the department a [SURETY BOND OR AN
 6 EQUIVALENT] cash deposit in the amount of \$5,000, **or (2)** [. AS AN
 7 ALTERNATIVE TO THE BOND OR CASH DEPOSIT, A PROMOTER MAY]
 8 deposit **\$5,000** in **an escrow** [A TRUST] account in a bank **or** [,] savings and loan
 9 association, or **with a** licensed escrow agent, [50 PERCENT OF THE ADVANCE
 10 TICKET RECEIPTS ACCUMULATED FOR EACH CONCERT PROMOTED,] and
 11 provide the department with the number and location of the [TRUST OR] escrow
 12 account. The [BOND,] cash deposit [,] or account **must** [SHALL] be conditioned
 13 upon the promoter providing ticket refunds within **30** [10] days after the scheduled
 14 date of a **covered event that** [CONCERT WHICH] is cancelled due to any cause. The
 15 state, on behalf of a ticket holder, or a ticket holder directly, may bring an action on
 16 the [BOND,] cash deposit [,] or account.

17 * **Sec. 5.** AS 08.92.035 is amended to read:

18 **Sec. 08.92.035. Refund caption required.** Tickets for **a covered event**
 19 [CONCERTS] subject to the provisions of this chapter shall be printed with the name
 20 and business address of the promoter and the following caption: "In the event of **the**
 21 **cancellation of the event** [CONCERT CANCELLATION], refunds will be available
 22 at the above location between the hours of 9:00 a.m. and 5:00 p.m. for a period of **30**
 23 [10] days after the scheduled date of the **event** [CONCERT]."

24 * **Sec. 6.** AS 08.92 is amended by adding a new section to read:

25 **Sec. 08.92.045. Verification of registration or exemption.** A person who
 26 owns or manages the site where a covered event will occur shall, before the promoter
 27 of the covered event sells a ticket to the event, verify that the promoter has a valid
 28 promoter's certificate of registration issued under this chapter or is exempt from this
 29 chapter under AS 08.92.070.

30 * **Sec. 7.** AS 08.92.060(b) is amended to read:

31 (b) Retention of ticket receipts after the **30th** [10TH] day following the

1 scheduled date of a **covered event** [CONCERT] that has been cancelled is presumed
 2 to be fraud against ticket purchasers. A promoter who fails to refund the purchase
 3 price of a ticket to a **covered event that** [CONCERT WHICH] has been cancelled and
 4 retains the ticket receipts after the **30th** [10TH] day following the scheduled **event**
 5 [CONCERT] that has been cancelled is guilty of

6 (1) a misdemeanor, if ticket receipts retained are \$1,000 or less, and
 7 upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment
 8 for not more than one year, or by both;

9 (2) a felony, if ticket receipts retained are more than \$1,000, and upon
 10 conviction is punishable by a fine of not more than \$10,000, or by imprisonment for
 11 not more than five years, or by both.

12 * **Sec. 8.** AS 08.92.070 is amended to read:

13 **Sec. 08.92.070. Exemption.** The provisions of this chapter do not apply to **a**
 14 **covered event** [CONCERTS] promoted, organized, or produced **by**

15 (1) [BY] a nonprofit corporation, society, or group that has qualified
 16 for nonprofit status under **26 U.S.C. 501(c)(3) (Internal Revenue Code) if all of the**
 17 **net proceeds from the covered event go to the nonprofit corporation** [SEC.
 18 501(c)(3) OF THE INTERNAL REVENUE CODE (26 U.S.C. 501(c)(3))];

19 (2) [BY] a promoter for presentation within a municipality having a
 20 population of less than 10,000 persons, **and in which the promoter is a resident;**

21 **(3) the University of Alaska or another educational organization.**

22 * **Sec. 9.** AS 08.92.090(3) is amended to read:

23 (3) "promoter" means a person who **produces, stages,** contracts for,
 24 **organizes,** and arranges a **covered event** [CONCERT] for purposes of profit whether
 25 engaged full time or part time in the business of booking or hiring **covered events**
 26 [CONCERTS].

27 * **Sec. 10.** AS 08.92.090 is amended by adding a new paragraph to read:

28 (4) "covered event" means a live event that is open to the public through the
 29 purchase of a ticket and for which tickets may be purchased in advance; "covered event"
 30 includes an athletic event, a concert, an exhibition, a rodeo, and a dramatic performance.

31 * **Sec. 11.** AS 08.92.020(b) and 08.92.090(1) are repealed.