

**SENATE CS FOR CS FOR HOUSE BILL NO. 111(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/12/08

Referred: First Supplemental Calendar

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act decreasing the fee for a business license; relating to a civil fine for not having a  
2 current business license, to business license penalties under certain laws relating to  
3 financial institutions, occupational licensing, employment agencies, and taxation, and to  
4 the duration of certain business licenses; and providing for an effective date."

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

6 \* **Section 1.** AS 06.01.035 is amended by adding a new subsection to read:

7 (j) Notwithstanding the other provisions of this section, the failure to have a  
8 business license issued under AS 43.70.020 as required by AS 06.50.020(a) is not a  
9 violation for the purposes of (a) and (e) - (g) of this section.

10 \* **Sec. 2.** AS 08.01.102 is amended to read:

11 **Sec. 08.01.102. Citation for unlicensed practice or activity.** The department  
12 may issue a citation for a violation of a license requirement under this chapter, **except**  
13 **a requirement to have a license under** [OR] AS 43.70, if there is probable cause to  
14 believe a person has practiced a profession or engaged in business for which a license

1 is required without holding the license. Each day a violation continues after a citation  
2 for the violation has been issued constitutes a separate violation.

3 \* **Sec. 3.** AS 16.40.290(a) is amended to read:

4 (a) Except as provided in (b) and (c) of this section, a person who knowingly  
5 violates AS 16.40.260 - 16.40.299 or a regulation adopted under AS 16.40.260 -  
6 16.40.299 is guilty of a class A misdemeanor. **However, this subsection does not**  
7 **apply to the failure to hold a current business license under AS 16.40.260(a)(1) as**  
8 **required under AS 43.70.**

9 \* **Sec. 4.** AS 23.15.510 is amended to read:

10 **Sec. 23.15.510. Violations.** A person who wilfully violates any provision of  
11 AS 23.15.330 - 23.15.520 is guilty of a misdemeanor, and upon conviction is  
12 punishable by a fine of not more than \$1,000, or by imprisonment for not more than  
13 six months, or by both. **However, this section does not apply to the violation of the**  
14 **requirement under AS 23.15.390 to comply with AS 43.70.**

15 \* **Sec. 5.** AS 43.05.290(h) is amended to read:

16 (h) A person engaging in or attempting to engage in a business, trade,  
17 profession, or occupation for which a license is required under this title, who wilfully  
18 fails to obtain the license, is guilty of a misdemeanor [,] and, upon conviction, is  
19 punishable by a fine of not more than \$2,000, or by imprisonment for not more than  
20 six months, or by both. **This subsection does not apply to a violation of**  
21 **AS 43.70.020.**

22 \* **Sec. 6.** AS 43.70.020(d) is amended to read:

23 (d) A person engaging in a business subject to licensing provisions of a  
24 regulatory nature (for example, the requirement of posting a bond before beginning  
25 business as a collection agency) must, in addition to filing the regular application  
26 required by this section, comply with those regulatory provisions before being entitled  
27 to a license under this chapter. **The department may establish that a license that is**  
28 **issued under this section expires at the same time as a license, certificate, permit,**  
29 **registration, or similar document issued under AS 08.**

30 \* **Sec. 7.** AS 43.70.020 is amended by adding a new subsection to read:

31 (e) If a person knowingly engages in a business in the state without having a

1 current license issued under (a) of this section, the department may impose a civil fine  
2 of up to \$300. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

3 \* **Sec. 8.** AS 43.70.030(a) is amended to read:

4 (a) The fee for each business license is \$50 a [\$100 PER] year, except that the  
5 fee is \$25 [\$50] if

6 (1) the business is a sole proprietorship; and

7 (2) the sole proprietor is 65 years of age or older when the sole  
8 proprietor applies for the license or will reach 65 years of age at any time during the  
9 year for which the license is issued.

10 \* **Sec. 9.** This Act takes effect October 1, 2009.