

**CS FOR SENATE BILL NO. 39(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/2/07

Referred: Finance

Sponsor(s): SENATORS WIELECHOWSKI, Wilken

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to business licenses, to the amount of the state's business license fee, to  
2 the penalty for not obtaining a business license, and to business license penalties under  
3 certain financial institution, occupational licensing, employment agency, and taxation  
4 laws; 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 is amended by adding a new subsection to read:

23 (e) A person who knowingly violates this section is subject to a civil fine of  
24 not more than \$300.

25 \* **Sec. 7.** AS 43.70.030(a) is amended to read:

26 (a) The fee for each business license is **\$25 a** [\$100 PER] year [, EXCEPT  
27 THAT THE FEE IS \$50 IF

28 (1) THE BUSINESS IS A SOLE PROPRIETORSHIP; AND

29 (2) THE SOLE PROPRIETOR IS 65 YEARS OF AGE OR OLDER  
30 WHEN THE SOLE PROPRIETOR APPLIES FOR THE LICENSE OR WILL  
31 REACH 65 YEARS OF AGE AT ANY TIME DURING THE YEAR FOR WHICH

1 THE LICENSE IS ISSUED].

2 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4 TRANSITION: FEE. If a license issued under AS 43.70.020(a) is scheduled to expire  
5 on January 1, 2008, and if the person to whom the license was issued wants to obtain a license  
6 under AS 43.70.020(a) that lasts for the two years of 2008 and 2009, a person who is required  
7 under AS 43.70.030, as that section exists before October 1, 2008, to pay

8 (1) \$100 a year for the license may pay \$125 for a two-year license instead of  
9 \$200;

10 (2) \$50 a year for the license may pay \$75 for a two-year license instead of  
11 \$100.

12 \* **Sec. 9.** Section 7 of this Act takes effect October 1, 2008.