

SENATE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR ELTON

Introduced: 4/30/07

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to required onboard disclosures about promotions, tours, flightseeing
2 operations, other shoreside activities, shoreside vendors, and visitors bureaus; and
3 providing for an effective date."

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

5 * **Section 1.** AS 45.50.474(a) is amended to read:

6 (a) A person may not conduct a promotion on board a cruise ship that
7 mentions or features a business in a state port that has paid something of value for the
8 purpose of having the business mentioned, featured, or otherwise promoted, unless the
9 person conducting the promotion clearly and fully discloses [ORALLY AND] in all
10 written materials used in the promotion that the featured businesses have paid to be
11 included in the promotion. **If the value paid by the business is more than 10**
12 **percent of any single sale, the disclosure must also state that more than a 10**
13 **percent commission is being retained by the person making the promotion and**
14 **that other alternatives may be available at a port of call; and the disclosure must**

1 **provide the address, Internet website address, and telephone number of any**
 2 **existing visitors bureaus at each future port of call** [ALL SUCH WRITTEN
 3 NOTICE OF DISCLOSURE SHALL BE IN A TYPE NOT LESS THAN 14-POINT
 4 TYPEFACE AND IN A CONTRASTING COLOR CALCULATED TO DRAW
 5 ATTENTION TO THE DISCLOSURE].

6 * **Sec. 2.** AS 45.50.474(b) is amended to read:

7 (b) A person or other entity aboard a cruise ship conducting or making a sale
 8 of tours, flightseeing operations, or other shoreside activities to be delivered by a
 9 vendor or other entity at a future port of call shall disclose, [BOTH ORALLY AND]
 10 in writing **at the point of sale,**

11 **(1) that the onboard sale is a retail-wholesale relationship between**
 12 **the cruise ship and the shoreside vendor that results in a percentage of the sale**
 13 **being retained by the cruise ship;**

14 **(2) that other alternatives at different prices and with different**
 15 **features may be available at a port of call;**

16 **(3) the address, Internet website address, and telephone number of**
 17 **the existing visitors bureaus at each future port of call; and**

18 **(4) if** the amount of commission or percentage of the total sale retained
 19 or returned to the person **or entity** making **or attempting to make** the sale **exceeds 20**
 20 **percent of the total cost of the** [. THE PERSON OR ENTITY ABOARD A CRUISE
 21 SHIP MAKING OR ATTEMPTING TO MAKE A SALE OF] services or goods
 22 provided by a shoreside vendor, **that more than 20 percent of the total sale price is**
 23 **being retained as a commission by the person or entity making the sale** [SHALL
 24 DISCLOSE THE ADDRESS AND TELEPHONE NUMBER OF THE SHORESIDE
 25 VENDOR IF ASKED BY A CONSUMER. ALL SUCH WRITTEN NOTICE OF
 26 DISCLOSURE SHALL BE IN A TYPE NOT LESS THAN 14-POINT TYPEFACE
 27 AND IN A CONTRASTING COLOR CALCULATED TO DRAW ATTENTION TO
 28 THE DISCLOSURE].

29 * **Sec. 3.** AS 45.50.474(c) is amended to read:

30 (c) Each violation of this section constitutes an unfair trade practice under
 31 AS 45.50.471 [, AND SHALL RESULT IN A PENALTY OF NOT MORE THAN

1 \$100 FOR EACH VIOLATION].

2 * **Sec. 4.** AS 45.50.474 is amended by adding a new subsection to read:

3 (e) A written notice of disclosure under (a) or (b) of this section must be in a
4 type that is not less than 14-point typeface and in a contrasting color calculated to
5 draw attention to the disclosure.

6 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).