

1 IN THE HOUSE

BY COMMERCE COMMITTEE

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COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 67

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

SEVENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act to provide for regulation of
7 abuses in sales promotion relating to
8 various types of retail sales."

9 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

10 Section 1. For the purposes of this Act, "closing-out
11 sale" shall mean and include all sales advertised, represented
12 or held forth under the designation of "going out of business,"
13 "discontinuance of business," "selling out," "liquidation,"
14 "lost our lease," "must vacate," "forced out," "removal," or
15 any other designation of like meaning; and "person" shall mean
16 and include individuals, partnerships, voluntary associations
17 and corporations.

18 Section 2. (a) No person shall advertise or offer for
19 sale a stock of goods, wares or merchandise under the description
20 of closing-out sale, or a sale of goods, wares or merchandise
21 damaged by fire, smoke, water or otherwise, unless he shall
22 have obtained a license to conduct such sale from the clerk
23 of the city, in which he proposes to conduct such a sale.
24 The applicant for such a license shall make to such clerk an
25 application therefor, in writing and under oath, prior to the
26 opening date of sale, showing all the facts relating to the
27 reasons and character of such sale, including the opening and
28 terminating dates of the proposed sale, a complete inventory of
29 the goods, wares or merchandise actually on hand in the place

1 where such sale is to be conducted, and all details necessary
2 to locate exactly and identify fully the goods, wares or mer-
3 chandise to be sold.

4 (b) If such clerk shall be satisfied from said
5 application that the proposed sale is of the character which the
6 applicant desires to advertise and conduct, the clerk shall
7 issue a license, upon the payment of a fee of 100 dollars
8 therefor, together with a bond, payable to the city, in the
9 penal sum of 1,000 dollars, conditioned upon compliance with
10 this Act, to the applicant authorizing him to advertise and
11 conduct a sale of the particular type designated in the
12 application; Provided, any merchant who shall have been conducting
13 a business in the same location where the sale is to be held
14 for a period of not less than one year, prior to the date of
15 holding such sale, shall be exempted from the payment of the
16 fee and the filing of the bond herein provided.

17 (c) Every city clerk, to whom application is made,
18 shall endorse upon such application the date of its filing, shall
19 preserve the same as a record of his office, shall make an
20 abstract of the facts set forth in such application, and shall
21 indicate whether the license was granted or refused.

22 (d) Any person making a false statement in the
23 application provided for in this section shall, upon conviction
24 thereof, be deemed guilty of perjury.

25 Section 3. No person who contemplates holding or conducting
26 a closing-out sale under a license as provided for in Section 2
27 of this Act shall order any goods, wares or merchandise for the
28 purpose of selling and disposing of the same at such sale, and
29 any unusual purchase and additions to the stock of such goods,

1 wares or merchandise within 60 days prior to the filing of
2 application for a license to conduct such sale shall be prima
3 facie evidence that such purchases and additions to stock were
4 made in contemplation of such sale.

5 Section 4. No person carrying on or conducting a closing-
6 out sale or a sale of goods, wares or merchandise damaged by
7 fire, smoke, water or otherwise, under a license as provided
8 in Section 2 of this Act shall, during the continuance of
9 such sale, add any goods, wares or merchandise to the damaged,
10 stock inventoried in his original application for such license,
11 and no goods, wares or merchandise shall be sold as damaged
12 merchandise at or during such sale, excepting the goods,
13 wares or merchandise described and inventoried in such original
14 application.

15 Section 5. No person shall conduct a closing-out sale
16 or a sale of goods, wares or merchandise damaged by fire,
17 smoke, water or otherwise beyond the termination date specified
18 for such sale, except that an extension may be authorized upon
19 proper showing of need; nor shall any person, upon conclusion
20 of such sale, continue that business which had been represented
21 as closing out or going out of business under the same name,
22 or under a different name, at the same location, or elsewhere
23 in the same city, where the inventory for such sale was filed;
24 nor shall any person, upon conclusion of such sale, continue
25 business contrary to the designation of such sale.

26 Section 6. Any person who shall advertise, hold, conduct
27 or carry on any sale of goods, wares or merchandise under the
28 description of closing-out sale or a sale of goods, wares or
29 merchandise damaged by fire, smoke, water or otherwise, contrary

1 to the provisions of this Act, or who shall violate any of
2 the provisions of this Act shall be deemed guilty of a
3 misdemeanor and shall, upon conviction thereof, be fined
4 not less than 50 dollars and not more than 500 dollars, or
5 shall be imprisoned for not less than 10 days and not more
6 than 6 months, or both.

7 Section 7. The provisions of this Act shall not apply
8 to public or court officers, or to any other person or persons
9 acting under the license, direction or authority of any court,
10 selling goods, wares or merchandise in the course of their
11 official duties.

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