

1 IN THE HOUSE

BY MR. TAYLOR

2 HOUSE BILL NO.124

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act regulating closing out sales in in-
7 corporated municipalities; providing for
8 licensing of same; prohibiting certain acts
9 and declaring violation of same a misdemeanor;
10 providing penalties for the violation there-
11 of; and providing for an effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

20 Sec. 2. (1) No person shall advertise or offer for sale
21 a stock of goods, wares or merchandise under the description of
22 closing-out sale, or a sale of goods, wares or merchandise damaged
23 by fire, smoke, water or otherwise, unless he shall have obtained
24 a license to conduct such sale from the clerk of the incorporated
25 municipality in which he proposes to conduct such a sale. The
26 applicant for such a license shall make to such clerk an appli-
27 cation therefor, in writing and under oath at least ten (10)
28 days prior to the opening date of sale, showing all the facts
29 relating to the reasons and character of such sale, including

1 the opening and terminating dates of the proposed sale, a com-
2 plete inventory of the goods, wares or merchandise actually on
3 hand in the place whereat such sale is to be conducted, and all
4 details necessary to locate exactly and identify fully the goods,
5 wares or merchandise to be sold.

6 (2) If such clerk shall be satisfied from said appli-
7 cation that the proposed sale is of the character which the
8 applicant desires to advertise and conduct, the clerk shall issue
9 a license, upon the payment of a fee of Fifty Dollars (\$50.00)
10 therefor, together with a bond, payable to the municipality in
11 the penal sum of One Thousand Dollars (\$1,000), conditioned upon
12 compliance with this Act, to the applicant authorizing him to
13 advertise and conduct a sale of the particular kind mentioned in
14 the application. Any merchant who shall have been conducting a
15 business in the same location where the sale is to be held for
16 a period of not less than three (3) years prior to the date of
17 holding such sale, shall be exempted from the payment of the fee
18 and the filing of the bond herein provided.

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

24 (4) Any person making a false statement in the appli-
25 cation provided for in this section shall, upon conviction, be
26 deemed guilty of perjury.

27 Sec. 3. No person in contemplation of a closing-out sale
28 under a license as provided for in Sec. 2 of this Act shall order
29 any goods, wares or merchandise for the purpose of selling and

1 disposing of the same at such sale, and any unusual purchase and
2 additions to the stock of such goods, wares or merchandise within
3 sixty (60) days prior to the filing of application for a license
4 to conduct such sale shall be presumptive evidence that such
5 purchases and additions to stock were made in contemplation of
6 such sale.

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

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

27 Sec. 6. Any person who shall advertise, hold, conduct or
28 carry on any sale of goods, wares or merchandise under the des-
29 cription of closing-out sale or a sale of goods, wares or

1 merchandise damaged by fire, smoke, water or otherwise, contrary
2 to the provisions of this Act, or who shall violate any of the
3 provisions of this Act shall be deemed guilty of a misdemeanor
4 and shall, upon conviction thereof, be fined not less than One
5 Hundred Dollars (\$100.00) and not more than One Thousand Dollars
6 (\$1,000.00), or shall be imprisoned for not less than ten (10)
7 days and not more than six (6) months, or both.

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

13 Sec. 8. Upon complaint of any person, the superior court
14 in the judicial district where the act occurs, shall have juris-
15 diction in equity to restrain and enjoin any act forbidden or
16 declared illegal by any provisions of this Act.

17 Sec. 9. EFFECTIVE DATE. This Act shall take effect
18 immediately upon its passage and approval or upon its becoming
19 law without such approval.
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