

1 IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 209

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to storage warehouses and
7 warehousemen; defining the same; providing
8 for payment of fees thereby; providing for
9 the regulation and supervision thereof by
10 the Public Service Commission; providing for
11 the enforcement of the provisions of this
12 Act and penalties for the violation thereof;
13 and providing for an effective date."

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

15 Section 1. DEFINITIONS. As used in this Act, the following
16 terms shall have the meanings ascribed to them unless the con-
17 text requires otherwise:

18 (1) "Person" means an individual, copartnership,
19 association, joint stock association, corporation, or their
20 lessees, trustees, receivers or trustees, appointed by any court
21 whatsoever.

22 (2) "Storage warehouse" means a building or structure
23 or any part thereof in which goods, wares or merchandise are re-
24 ceived for storage for compensation. It shall not include rail-
25 road freight sheds, or docks and wharves.

26 (3) "Dock" or "wharf" means any and all structures at
27 which any steamboat, vessel or other water craft lands for the
28 purpose of receiving or discharging freight from or for the
29 public, together with any building or structure used for storing

1 such freight while in transit exclusively for the public for
2 hire.

3 (4) "While in transit" means all goods, wares and
4 merchandise received on any dock or wharf, destined to or con-
5 signed from water-borne commerce.

6 (5) "Storage warehouseman" and "warehouseman" mean
7 any persons or person operating any storage warehouse.

8 (6) "Commission" means the Public Service Commission
9 of the State of Alaska.

10 Sec. 2. APPLICABILITY OF ACT: EXCEPTIONS. This Act shall
11 apply to the storage furnished to all wares, items, goods,
12 commodities, merchandise, products and materials of all types
13 whatsoever; provided, however, that it shall not apply to:

14 (1) Storage furnished by a cooperative marketing asso-
15 ciation for its member or other cooperative associations or as
16 an incidental part of its business.

17 (2) The business of renting locked boxes by any bank
18 or trust company.

19 (3) Storage furnished to freight while in transit,
20 it being the intention of the legislature to exempt all goods
21 received on any dock or wharf for shipments from the land via
22 water or received on a dock or wharf by water to be shipped by
23 land, or water, irrespective of the length of time of its re-
24 tention thereon.

25 (4) Storage of automobiles by public garages.

26 Sec. 3. COMPLIANCE WITH ACT. No corporation or person,
27 their lessees, trustees, receivers or trustees appointed by any
28 court whatsoever, shall hereafter operate any storage warehouse
29 for the storage of property for the public for hire in this state

1 except in accordance with the provisions of this Act.

2 Sec. 4. RATES AND CHARGES. Every storage warehouseman
3 shall, upon obtaining his license as herein provided, at once
4 file with the Public Service Commission his schedules showing
5 the rates and charges for the storage and handling of property
6 in his warehouse, and such schedules shall be kept in convenient
7 form and be open at all times during business hours to public
8 inspection at his warehouse or warehouses. All charges made for
9 any service rendered or to be rendered in the storage, or hand-
10 ling of property in his storage warehouse by any warehouseman shall
11 be just, fair, reasonably and sufficient.

12 Sec. 5. FACILITIES. Every warehouseman shall furnish and
13 supply such warehouses, buildings, structures, service, instru-
14 mentalities, and facilities that shall be safe, adequate and
15 efficient. All rules and regulations issued by warehousemen
16 affecting or pertaining to the storage, handling, or care of
17 property shall be just and reasonable. Every warehouseman shall
18 construct and maintain such facilities in connection with his
19 warehouse as will be efficient and safe to its employees and to
20 the public.

21 Sec. 6. PUBLIC SERVICE COMMISSION: POWERS AND DUTIES. The
22 Public Service Commission is hereby vested with power and
23 authority, and it is hereby made its duty to supervise and regu-
24 late every storage warehouse in this state; to fix, alter and
25 amend just, fair, reasonable and sufficient rates, fares, charges,
26 classifications, rules and regulations of each such storage ware-
27 house; to regulate accounts, service and safety of operations of
28 each such storage warehouse; to require the filing of annual and
29 other reports and all other data by storage warehousemen; to

1 supervise and regulate storage warehouses in all other matters
2 affecting the storage of property therein by the public. The
3 commission shall have power and authority by general order or
4 otherwise, to prescribe rules and regulations in conformity with
5 this Act, applicable to any and all storage warehouses.

6 Sec. 7. LICENSE APPLICATION: INSPECTION. Upon receiving
7 an original application for a storage warehouse license, the
8 commission shall cause an inspection to be made of the premises
9 the applicant proposes to use for a storage warehouse, to deter-
10 mine if the premises and facilities are adequate, safe and
11 suitable for use as a storage warehouse.

12 Sec. 8. HEARING ON APPLICATION. In event the commission
13 determines that the facilities are adequate, safe and suitable
14 for use as a storage warehouse, he shall thereafter cause a
15 hearing to be held for the purpose of determining whether the
16 applicant is financially able to act as a storage warehouseman
17 and is familiar with the laws of the State of Alaska, and the
18 rules and regulations of the Public Service Commission pertaining
19 to storage warehousemen.

20 Sec. 9. DENIAL. In event the commission determines that
21 the applicant is not financially able to act as a storage ware-
22 houseman or is not sufficiently familiar with the laws of the
23 State of Alaska, and the rules and regulations of the Public
24 Service Commission pertaining to storage warehousemen, he shall
25 refuse to issue the license.

26 Sec. 10. BOND. Each storage warehouseman shall file and
27 maintain with the commission a surety bond in the sum of ten
28 thousand dollars (\$10,000) executed by the storage warehouseman
29 as principal, and a surety company authorized to do business in
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1 this state as surety, and conditioned upon the storage ware-
2 houseman's faithfully accounting in the manner required by law
3 to the owner thereof for all goods, wares, merchandise, funds or
4 other property that the storage warehouseman receives, handles,
5 stores or otherwise deals in as a storage warehouseman. It
6 shall have authority to inspect, investigate and check all of
7 the buildings, records and accounts of any person, firm or
8 corporation operating a building, structure, dock or warehouse in
9 which goods or merchandise are stored, for the purpose of deter-
10 mining whether or not such person, firm or corporation is a
11 storage warehouseman as herein defined; and for this purpose the
12 commission is empowered to require the attendance of any person
13 and/or the books, records and accounts of any person, firm or
14 corporation within this state in order to make a determination
15 as to whether or not any such building, structure, dock or
16 wharf is used as a storage warehouse as herein defined.

17 Sec. 11. FAILURE TO FILE BOND. Failure to file and main-
18 tain in full force and effect the bond herein required shall be
19 cause for the immediate revocation of the storage warehouseman's
20 license and no license for a storage warehouse shall be issued
21 to any person, firm, or corporation, until such person, firm or
22 corporation has filed the bond herein required.

23 Sec. 12. BOND: REVOCATION. The total liability of the
24 surety on the bond required by this section shall not exceed the
25 sum of ten thousand dollars (\$10,000) in the aggregate for all
26 claims accruing while the bond is in force, and the surety may
27 revoke said bond upon giving the warehouseman and the commission
28 written notice fifteen (15) days prior to such revocation, other-
29 wise, said bond shall remain in full force and effect.

1 Sec. 13. LICENSE. Each person operating one or more
2 storage warehouses subject to the provisions of this Act shall
3 procure on or before July first of each year, a license for the
4 ensuing year, upon payment of a fee of twenty-five dollars
5 (\$25.00) for the first warehouse operated and five dollars
6 (\$5.00) for each additional warehouse. The license shall be
7 posted in a conspicuous place in the office of each warehouse.

8 All license fees shall be transmitted to the Department of
9 Revenue who shall deposit them in the Warehousemen's Revolving
10 Account of the general fund of the state.

11 Sec. 14. LICENSE: REVOCATION. The commission may revoke
12 any such license, upon notice and hearing, and any person opera-
13 ting a storage warehouse without a license, or after one has
14 been revoked, shall forfeit to the state, for each day's opera-
15 tion, fifty dollars (\$50.00) to be recovered in an action brought
16 by the Attorney General.

17 The operation of a storage warehouse without a license may
18 also be enjoined upon complaint of the commission.

19 Sec. 15. ADVERTISEMENT OF STORAGE BY UNLICENSED OR EXEMPTED
20 WAREHOUSEMEN. Any person not a licensed warehouseman under, or
21 excepted from the provisions of this Act, who shall display on
22 any building, vehicle, billboard, or in any other manner, any
23 advertisement of, or by circular, letter, newspaper, magazine,
24 poster, or card to advertise, storage of property shall be guilty
25 of a misdemeanor and upon conviction shall be fined not more than
26 five hundred dollars (\$500.00).

27 Sec. 16. VIOLATION OF ACT. Every officer, agent or employee
28 of any storage warehouse and every other person who violates or
29 fails to comply with or who procures, aids, or abets in the

1 violation of any provision of this Act, or who fails to obey,
2 observe or comply with any order, decision, rule or regulation,
3 direction, demand or requirement of the commission under this
4 Act, is guilty of a misdemeanor and upon conviction shall be
5 imprisoned for not more than 30 days and be fined not more than
6 five hundred dollars (\$500.00).

7 Sec. 17. RECORDS. Any person who shall wilfully make any
8 false entry in the accounts or in any record or memorandum kept
9 by a storage warehouseman or who shall wilfully destroy, mutilate,
10 alter or by any other means or device, falsify a record or any
11 such account, record, or memorandum, or who shall wilfully neglect
12 or fail to make full, true or correct entries in such accounts,
13 records, or memoranda of all facts and transactions appertaining
14 to the business of the warehouseman or shall keep any accounts or
15 records with the intent to evade the provisions of this Act,
16 shall be guilty of a misdemeanor and upon conviction shall be
17 imprisoned for not more than 30 days and be fined not more than
18 five hundred dollars (\$500.00).

19 Sec. 18. COMPLIANCE WITH ACT: VIOLATION: PUNISHMENT. Every
20 storage warehouseman and all officers, agents, and employees
21 of any storage warehouseman, shall obey, observe, and comply
22 with every order, rule, direction or requirement made by the
23 commission. Any storage warehouseman who shall violate or fail
24 to comply with any provision of this Act, or who fails, omits
25 or neglects to obey, observe or comply with any order, rule,
26 direction, demand or requirement of the commission or who shall
27 fail to maintain and comply with the schedule of rates and charges
28 filed by him shall be subject to a penalty of not to exceed the
29 sum of one thousand dollars (\$1,000) for each and every offense.

1 Every violation of any such order, rule, direction, demand or
2 requirement of the commission, or of any provision of this Act,
3 shall be a separate and distinct offense and in case of a con-
4 tinuing violation, every day's continuance thereof shall be
5 deemed to be a separate and distinct offense.

6 Sec. 19. PUBLIC SERVICE COMMISSION. Any officer or em-
7 ployee of the Public Service Commission who divulges to any
8 person other than a member of the commission any fact or informa-
9 tion coming to his knowledge during the course of an inspection,
10 examination or investigation of any accounts, records, memoranda
11 books, or papers of a warehouseman, except insofar as he may be
12 authorized by the commission, or by a court of competent juris-
13 diction or by a judge thereof, shall be guilty of a misdemeanor
14 and upon conviction shall be imprisoned for not more than 30
15 days and be fined not more than five hundred dollars (\$500.00).

16 Sec. 20. SEVERABILITY. If any section, subsection, sen-
17 tence, clause or phrase of this Act is for any reason held to
18 be unconstitutional, such decision shall not affect the validity
19 of the remaining portion of this Act.

20 Sec. 21. EFFECTIVE DATE. This Act shall take effect imme-
21 diately upon its passage and approval or upon its becoming law
22 without such approval.
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