

BY MESSRS. KERTTULA,  
JARVELA AND RHODE

1 IN THE HOUSE

2 HOUSE BILL NO. 112

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act licensing and regulating wholesale  
7 vegetable dealers."

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

9 Section 1. LICENSE REQUIRED. No person may engage in the  
10 business of a wholesale vegetable dealer unless he is licensed  
11 to engage in the business as provided in this Act. Wholesale  
12 vegetable dealers, hereafter referred to as dealers, may apply  
13 for a license to the director of the division of agriculture,  
14 Department of Natural Resources, hereafter referred to as the  
15 director.

16 Sec. 2. CONDITIONS REQUIRED FOR LICENSE. Upon receipt of  
17 an application, the director may issue or renew a license to any  
18 reputable person if the applicant pays the prescribed fee and  
19 complies, or agrees to comply as the case may be, with the  
20 following conditions:

21 (1) The written application shall be executed under  
22 oath, and include the prescribed fee. The applicant shall specify  
23 the location where the applicant intends to conduct his business;  
24 an estimate of the amount of business to be transacted monthly  
25 and the amount of business, if any, transacted the preceding year;  
26 the name of the person or persons constituting the firm, or, if  
27 the applicant is a corporation, the names of the officers and  
28 where incorporated; a financial statement stating the value and  
29 character of the assets and liabilities; and a statement setting

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1 forth his eligibility and standing for a similar license in other  
2 states where he may have, or is now, operating.

3 (2) An applicant shall file with the director a bond  
4 issued in favor of the director, with sureties approved by the  
5 director. The director shall determine the amount and form of  
6 the bond. The bond shall secure the faithful performance of the  
7 duties of a wholesale dealer, the payment for vegetables purchased  
8 by him and the settlement of other business debts. A bond shall  
9 secure the actions of a dealer only while he is licensed. The  
10 surety may terminate his liability under a bond by giving the  
11 director written notice and the sureties liability terminates 30  
12 days after the director receives this notice. The director shall  
13 notify the dealer to furnish a new bond, and if the dealer fails  
14 to furnish a bond satisfactory to the director, the director shall  
15 suspend or cancel the license of the dealer.

16 (3) An applicant for a license shall file with the  
17 director a schedule of his commissions and charges for services.

18 (4) The refusal, cancellation, or suspension of a  
19 license of a wholesale vegetable dealer operating or filing an  
20 application to operate in Alaska by another state may constitute  
21 grounds for similar action in Alaska.

22 (5) The fee for a license is \$5.00 and certified copies  
23 cost \$1.00. All licenses expire on June 30 of each year. A  
24 license, or a certified copy, shall be posted in each place  
25 inside the state where the dealer conducts business.

26 (6) A dealer shall obtain from the director an identi-  
27 fication card for himself and his agents who buy and sell vegetables.  
28 These cards shall be carried whenever the dealer or his agents buy  
29 or sell vegetables. The fee for an identification card is \$1.00.

1 (7) A dealer shall keep accurate records of his  
2 transactions as a wholesale vegetable dealer. These records shall  
3 be retained for 18 months and subject to examination by the  
4 director.

5 (8) If a dealer sells or discontinues his business he  
6 shall notify the director in writing. The director may require  
7 a statement of the assets and liabilities of the dealer as of the  
8 time he ends his business.

9 Sec. 3. ADDITIONAL BONDS MAY BE REQUIRED. The director,  
10 for the proper protection of the public, may require a dealer to  
11 provide additional bonds. For the purpose of determining the  
12 amount of additional bonds, the director may require the dealer  
13 to furnish statements of his business. If a dealer fails to  
14 furnish these statements or additional bond, the director may  
15 suspend or revoke his license under the provisions of the  
16 Administrative Procedure Act.

17 Sec. 4. DAMAGE CLAIMS AGAINST BOND. A person claiming to  
18 be damaged by a breach of the conditions of a bond given by a  
19 licensee may bring the action in the superior court.

20 Sec. 5. DIRECTOR HAS AUTHORITY TO MAKE RULES AND REGULATIONS.  
21 The director may promulgate rules under the Administrative  
22 Procedure Act to carry out the purposes of this Act.

23 Sec. 6. COOPERATION WITH FEDERAL AND STATE AGENCIES. The  
24 director may cooperate with the United States Department of  
25 Agriculture and with other federal authorities and with state  
26 and municipal authorities of this and other states, as may be  
27 necessary to carry out the purposes of this Act.

28 Sec. 7. An interested person may request the director,  
29 or his agent, to inspect a shipment of vegetables. If a wholesale

1 vegetable dealer receives a shipment of vegetables which is in  
2 an unsatisfactory condition, mislabeled, or misrepresented,  
3 unless both parties waive inspection before sale, he shall have  
4 the shipment inspected by the director or his agent.

5 Sec. 8. CONSIGNED VEGETABLES. Whenever a wholesale dealer  
6 of vegetables, to whom vegetables have been consigned for sale  
7 on a commission basis or on consignment where the title of the  
8 vegetables remains with the shipper, has received the vegetables,  
9 he shall, within a reasonable time, make a written report to the  
10 shipper stating the exact time of arrival, quantity, quality,  
11 and price per unit of the vegetables. At the same time the  
12 wholesale dealer shall pay the shipper the net amount due him.

13 Sec. 9. SHIPPER'S REMEDY FOR UNSATISFACTORY REPORT OR  
14 PAYMENT. If a shipper, after demand, received an unsatisfactory  
15 report or payment, he may complain in writing to the director  
16 who shall investigate the matter.

17 Sec. 10. DISPOSITION OF FEES AND FUNDS. Money from the  
18 collection of fees and other charges resulting under this Act  
19 shall be deposited in the general fund.

20 Sec. 11. UNLAWFUL VIOLATIONS OF ACT DEFINED. It is unlawful  
21 for a person subject to the provisions of this Act to:

22 (1) make a false statement as to the quality or  
23 quantity of vegetables received or delivered or to act in any  
24 manner to deceive a consignor or purchaser; or

25 (2) refuse to accept, on agreed terms, a shipment  
26 contracted for by him, unless the refusal is based on a state  
27 inspection certificate secured with reasonable promptness,  
28 showing that the vegetables are not what the purchaser ordered; or

29 (3) fail to account for vegetables or to make a

1 settlement, or to violate or fail to comply with the terms of a  
2 contract entered into by him for the purchase or sale of vegetables;  
3 or

4 (4) purchase for his own account vegetables received  
5 on consignment either directly or indirectly without the consent  
6 of the consignor; or

7 (5) issue a false or misleading market quotation or  
8 cancel a quotation during the period advertised by him; or

9 (6) make or collect a commission or charge in excess  
10 of that shown in his schedule filed with the director; or

11 (7) increase the price on vegetables shipped to him  
12 by "dummy" or fictitious sales; or

13 (8) receive vegetables from other states or countries  
14 for sale, either inside or outside the state and give the purchaser  
15 the impression that the vegetables are of other than their true  
16 origin; or

17 (9) violate a provision of this Act or a rule made  
18 by the director.

19 Sec. 12. PENALTIES. A violation of a provision of this Act  
20 is a misdemeanor. If no criminal prosecution is instituted the  
21 director may, after proof of a violation and after notice and  
22 opportunity to be heard, suspend, revoke, or cancel the license of  
23 a dealer. In addition to these penalties the director shall  
24 cancel the license of a dealer convicted in a federal court for  
25 violation of a federal statute relating to the fraudulent use of  
26 the mails or of other criminal acts pertaining to the conduct  
27 of his business.

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