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IN THE SENATE

BY SENATOR SMITH

SENATE BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRD LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to regulation of certain business activities."

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

* Section 1. AS 08 is amended by adding a new chapter to read:

CHAPTER 92. SALESMEN.

ARTICLE 1.

Sec. 08.92.010. PURPOSE. The purpose of secs. 10 - 140 of this chapter is to protect the people of Alaska from persons who wrongfully contract to sell goods or wrongfully solicit orders for the sale of goods and who do not maintain a permanent agency for service of process in the state and are not readily amenable to civil process.

Sec. 08.92.020. ADMINISTRATION. The Department of Commerce shall administer secs. 10 - 140 of this chapter.

Sec. 08.92.030. REGULATIONS. The Department of Commerce shall adopt procedural and substantive regulations necessary to administer secs. 10 - 140 of this chapter.

Sec. 08.92.040. LICENSE REQUIRED. A person who does not maintain a permanent residence or agency in Alaska for the service of process and who contracts or solicits orders for the retail sale of goods as a representative of any person is required to have a license issued under this chapter.

Sec. 08.92.050. APPLICATION FOR LICENSE. To obtain a

1 license under this chapter, a person must apply to the
2 Department of Commerce and supply the department with

- 3 (1) his name,
4 (2) a description of himself,
5 (3) his permanent mailing address,
6 (4) the name and address of each person he
7 represents.

8 Sec. 08.92.060. ISSUANCE OR DENIAL. (a) On receipt of
9 an application for a license, the Department of Commerce
10 shall investigate

- 11 (1) the applicant's general reputation for
12 business dealings,
13 (2) the business reputation and economic stability
14 of each person the applicant represents,
15 (3) whether or not the applicant is authorized by
16 those persons to represent them.

17 (b) If, after the investigation, the department deter-
18 mines that the applicant and the persons he represents are
19 reputable, it shall issue the applicant a license. If the
20 department determines that the applicant or a person he
21 represents is not reputable, it may not issue the applicant
22 a license.

23 Sec. 08.92.070. FORM OF LICENSE. The department shall
24 note on each license the information supplied by the appli-
25 cant under sec. 50 of this chapter.

26 Sec. 08.92.080. LICENSE RENEWAL. A license expires
27 on January 31 of each year and may be renewed by applying
28 to the Department of Commerce and paying a fee equal to the
29 initial license fee.

1 Sec. 08.92.090. FEE. The fee for an initial license
2 is \$25.

3 Sec. 08.92.100. SUSPENSION AND REVOCATION OF LICENSE.
4 The Department of Commerce may summarily suspend a license
5 when it has reliable information that would have required it
6 not to issue the license initially and the public interest
7 requires suspension. The department may revoke a license if
8 facts are proven which would have prevented it from initially
9 issuing a license. Promptly after suspending a license the
10 department shall hold a hearing to determine whether or not
11 the license should be revoked. The suspension ends when the
12 decision on the hearing becomes final.

13 Sec. 08.92.110. LIMITATION ON POWER TO SELL. No
14 licensee may contract or solicit orders for the retail sale
15 of goods as a representative of a person unless that person
16 is listed on the licensee's license.

17 Sec. 08.92.120. SERVICE OF PROCESS. Every person who
18 contracts or solicits orders for the sale of retail goods in
19 the state and does not maintain a permanent residence or
20 agency for service of process in the state, appoints the com-
21 missioner of commerce his agent for service of process in a
22 civil action arising out of that activity. When process is
23 served on the commissioner under this section, he shall
24 immediately notify the defendant named in the process of the
25 service by mailing a copy of the process to the address the
26 defendant gave when he applied for a license, if the
27 defendant applied.

28 Sec. 08.92.130. APPLICATION OF ADMINISTRATIVE PRO-
29 CEDURE ACT. A proceeding affecting the issuance or status of

1 a license required by sec. 40 of this chapter is subject to
2 the terms of the Administrative Procedure Act (AS 44.62);
3 except that the Administrative Procedure Act does not limit
4 the power of the Department of Commerce to summarily suspend
5 a license pending a hearing under sec. 100 of this chapter.

6 Sec. 08.92.140. PENALTY. A person who violates sec.
7 40 or sec. 110 of this chapter is guilty of a misdemeanor.
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