

Introduced: 1/29/63
Referred: State Affairs

1 IN THE SENATE BY SENATOR SMITH

2 SENATE BILL NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 CHAPTER 92. SALESMEN.

12 ARTICLE 1.

13 Sec. 08.92.010. PURPOSE. The purpose of secs. 10 -
14 140 of this chapter is to protect the people of Alaska from
15 persons who wrongfully contract to sell goods or services or
16 wrongfully solicit orders for the sale of goods or services
17 and who do not maintain a permanent agency for service of
18 process in the state and are not readily amenable to civil
19 process.

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

22 Sec. 08.92.030. REGULATIONS. The Department of Com-
23 merce shall adopt procedural and substantive regulations
24 necessary to administer secs. 10 - 140 of this chapter.

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

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1 The licensee shall have the required license in his possession
2 at all times while engaged in selling.

3 Sec. 08.92.050. APPLICATION FOR LICENSE. To obtain a
4 license under this chapter, a person must apply to the
5 Department of Commerce and supply the department with

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

11 Sec. 08.92.060. ISSUANCE OR DENIAL. (a) On receipt
12 of an application for a license, the Department of Commerce
13 shall investigate

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

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

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

29 Sec. 08.92.080. LICENSE RENEWAL. A license expires

1 on January 31 of each year and may be renewed by applying
2 to the Department of Commerce and paying a fee equal to the
3 initial license fee.

4 Sec. 08.92.090. FEE. The fee for an ititial license
5 is \$25.

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

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

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

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defendant applied.

Sec. 08.92.130. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. A proceeding affecting the issuance or status of a license required by sec. 40 of this chapter is subject to the terms of the Administrative Procedure Act (AS 44.62); except that the Administrative Procedure Act does not limit the power of the Department of Commerce to summarily suspend a license pending a hearing under sec. 100 of this chapter.

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