

Introduced: 2/25/66  
Referred: Commerce

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 468

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing and bonding  
7 of distributors."

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

9 \* Section 1. AS 03 is amended by adding a new chapter to read:

10 CHAPTER 57. VEGETABLES OF ALASKA ORIGIN.

11 Sec. 03.57.010. LICENSE REQUIRED. (a) No person may  
12 engage in business as a dealer in vegetables unless he has  
13 obtained a license.

14 (b) The fee for the license is \$25. The director of  
15 the Division of Agriculture of the Department of Natural  
16 Resources shall grant a license to each person who pays the  
17 fee.

18 (c) The license shall be posted at the place where the  
19 dealer conducts his business.

20 Sec. 03.57.020. BOND REQUIRED. Each dealer is required  
21 to obtain and file with the Director of the Division of Agri-  
22 culture of the Department of Natural Resources a bond in the  
23 amount of \$5,000. The bond shall be conditioned on the  
24 faithful performance of the legal duties of the dealer and  
25 the payment for vegetables purchased by him. The bond is  
26 payable to the person injured to the extent of the damages.

27 Sec. 03.57.030. UNFAIR TRADE PRACTICES. (a) It is  
28 a breach of a dealer's legal duties to engage in the  
29 following unfair trade practices:

1 (1) failure to pay within 30 days after receipt  
2 of vegetables unless otherwise agreed upon at time of  
3 purchase in accordance with a contract or agreed purchase  
4 price;

5 (2) failure to account truly and accurately for  
6 all vegetables handled as a broker or on consignment or  
7 joint account;

8 (3) rejection without reasonable cause of vege-  
9 tables purchased or contracted to be handled on consignment;

10 (4) dumping, discarding, or destroying vegetables  
11 received by a commission merchant on consignment without  
12 reasonable cause, or reinspection by the director or his  
13 agent;

14 (5) failure to deliver in accordance with the  
15 terms of a contract, without reasonable cause;

16 (6) discriminating or deceptive practices in  
17 weighing or counting vegetables bought or sold;

18 (7) misrepresentation of the grade, quantity,  
19 condition, weight, count, or state of origin of vegetables.

20 (b) A dealer shall keep accurate records of his trans-  
21 actions. The records shall be retained for 18 months and  
22 subject to examination by the director.

23 Sec. 03.57.040. DEFINITIONS. In this chapter

24 (1) "vegetables" means fresh vegetables of Alaska  
25 origin, including vegetables packed in ice;

26 (2) "dealer" means any person engaged in the  
27 business of buying or selling vegetables in intrastate,  
28 interstate, or foreign commerce, except

29 (A) producers selling vegetables of their

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own raising;

(B) retailers purchasing less than \$100,000 per year invoice value of vegetables; and

(C) a frozen food broker who acts as an independent agent negotiating sales for the vendor and whose only sales of perishable agriculture commodities consist of frozen vegetables.

(3) "broker" means any person engaged in the business of negotiating sales and purchases of any vegetables on behalf of the seller or the purchaser;

(4) "commission merchant" means any person operating on a receiving market, who receives vegetables in commerce for sale, on commission, for or on behalf of another.