

Introduced: 1/25/67
Referred: Commerce
and Finance

1 IN THE HOUSE

BY KERTTULA

2 HOUSE BILL NO. 53

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing and bonding of
7 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 engage
12 in business as a dealer in vegetables unless he has obtained a license.

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

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

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

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

27 (1) failure to pay within 30 days after receipt of vege-
28 tables unless otherwise agreed upon at time of purchase in accordance
29 with a contract or agreed purchase price;

1 (2) failure to account truly and accurately for all vege-
2 tables handled as a broker or on consignment or joint account;

3 (3) rejection without reasonable cause of vegetables pur-
4 chased or contracted to be handled on consignment;

5 (4) dumping, discarding, or destroying vegetables received
6 by a commission merchant on consignment without reasonable cause, or
7 reinspection by the director or his agent;

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

10 (6) discriminating or deceptive practices in weighing or
11 counting vegetables bought or sold;

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

14 (b) A dealer shall keep accurate records of his transactions.
15 The records shall be retained for 18 months and subject to examination
16 by the director.

17 Sec. 03.57.040. DEFINITIONS. In this chapter

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

20 (2) "dealer" means any person engaged in the business of
21 buying or selling vegetables in intrastate, interstate, or foreign
22 commerce, except

23 (A) producers selling vegetables of their own raising;

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

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

29 (3) "broker" means a person engaged in the business of

1 negotiating sales and purchases of any vegetables on behalf of the
2 seller or the purchaser;

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