

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

BY THE RULES COMMITTEE
BY REQUEST

1 IN THE HOUSE

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 as hereinafter set forth and the payment for
23 vegetables purchased by him. The bond is payable to the person injured
24 to the extent of the damages. The aggregate liability of the surety
25 for all breaches of the conditions of the bond shall, in no event,
26 exceed the amount of the bond. The surety may cancel the bond upon
27 giving 30 days' notice in writing to the director and thereafter shall
28 be relieved of any liability for a breach of condition occurring after
29 the effective date of cancellation.

1 **Sec. 03.57.030. UNFAIR TRADE PRACTICES.** (a) It is a breach of
2 a dealer's legal duties to engage in the following unfair trade
3 practices:

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

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

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

11 (4) dumping, discarding, or destroying vegetables on con-
12 signment without reasonable cause, or reinspection by the director or
13 his agent;

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

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

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

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

23 **Sec. 03.57.040. DEFINITIONS.** In this chapter

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

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

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

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(B) retailers; 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 a person engaged in the business of negotiating sales and purchases of any vegetables on behalf of the seller or the purchaser.