

Introduced: 3/17/72
Referred: Commerce

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 740

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to consumer protection."

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

8 * Section 1. AS 45.50.471(c) is repealed and re-enacted to read as
9 follows:

10 (c) When a person is tried under the criminal provisions of this
11 chapter for engaging in an unlawful act or practice under this chapter,
12 it must be shown as an element of proof that the person had a general
13 intent to commit the unlawful act or practice.

14 * Sec. 2. AS 45.50.481 is amended to read:

15 Sec. 45.50.481 EXEMPTIONS. Nothing in secs. 471-561 of this
16 chapter applies to

17 (1) an act or transaction permitted under laws administered
18 by the state, by any regulatory board or commission, or officer acting
19 under statutory authority of the state or of the United States;

20 (2) an act done by the publisher, owner, agent, or employee
21 of a newspaper, periodical or radio or television station in the
22 publication or dissemination of an advertisement, when the owner, agent
23 or employee did not have knowledge of the false, misleading or
24 deceptive character of the advertisement [OR DID NOT HAVE A DIRECT
25 FINANCIAL INTEREST IN THE SALE OR DISTRIBUTION OF THE ADVERTISED
26 PRODUCT OR SERVICE].

27 * Sec. 3. AS 45.50.491 is amended to read:

28 Sec. 45.50.491. REGULATIONS. The Attorney General, [COMMISSIONER
29 OF COMMERCE] in accordance with the Administrative Procedure Act

1 (AS 44.62), may adopt regulations interpreting and forms necessary for
2 administering the provisions of secs. 471-561 of this chapter.

3 * Sec. 4. AS 45.50.531(b) is amended to read:

4 (b) A person entitled to bring an action under this section may,
5 after investigation by and approval of the attorney general, if the
6 unlawful act or practice has caused similar injury to numerous other
7 persons similarly situated and if he adequately represents the similarly
8 situated persons, bring an action on behalf of himself and other simil-
9 arly injured and situated persons to recover actual damages. A person
10 planning to bring an action under this subsection shall first submit
11 to the attorney general a copy of his proposed complaint, and he may
12 not file the complaint, in court without the attorney general's approval.
13 In an action brought under this subsection, the court may in its
14 discretion order, in addition to damages, injunctive or other equitable
15 relief. [ALSO, IN AN ACTION BROUGHT UNDER THIS SUBSECTION, THE PLAIN-
16 TIFF SHALL POST BOND OF NOT LESS THAN \$5,000 AND WHICH IS SUFFICIENT
17 TO COVER COSTS AND ATTORNEY FEES WHICH MAY BE AWARDED UNDER (g) OF THIS
18 SECTION.]

19 * Sec. 5. AS 45.50.551(c) is repealed and re-enacted to read:

20 (c) A person who violates any part of sec. 471 of this chapter
21 is guilty of a misdemeanor and upon conviction is punishable by a fine
22 of not more than \$10,000, or by imprisonment for not more than one
23 year, or both, but this subsection does not limit any other provision
24 of this chapter.

25 * Sec. 6. AS 45.50.521(a) is repealed.
26
27
28
29