

Introduced: 4/19/76
Referred: Commerce and
Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 **CS** HOUSE BILL NO. 915

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regulating theatrical promoters; and providing
7 for an effective date."

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 read:

10 CHAPTER 92. THEATRICAL PROMOTERS.

11 Sec. 08.92.010. REGISTRATION REQUIRED. No person may engage in
12 the business of promoting theatrical productions in this state without
13 first obtaining and holding a current and valid theatrical promoter's
14 certificate of registration issued by the department. To remain valid,
15 a certificate of registration must be renewed no later than January 15
16 of each year.

17 Sec. 08.92.020. FEES. (a) An applicant for a theatrical pro-
18 moter's certificate of registration shall pay an original registration
19 fee of \$75.

20 (b) The fee for the annual renewal for each calendar year of a
21 registration certificate is \$20.

22 Sec. 08.92.030. BOND REQUIRED. A theatrical promoter shall, at
23 the time of applying for a certificate of registration, file with the
24 department a surety bond in the amount of \$10,000. The bond shall be
25 conditioned upon the theatrical promoter's providing ticket refunds for
26 a theatrical production cancelled due to any cause within 10 days after
27 the scheduled date of the cancelled theatrical production. The bond
28 shall permit action upon it by the state on behalf of a ticket holder
29 or by a ticket holder directly.

1 Sec. 08.92.040. DENIAL, REVOCATION, AND SUSPENSION OF REGISTRA-
2 TION. (a) The department may refuse to issue, or may suspend or revoke,
3 a certificate of registration for failure to comply with a provision
4 of this chapter or of a regulation adopted under it. If a bonding
5 company cancels the bond of a theatrical promoter, the theatrical pro-
6 moter's certificate of registration shall be revoked. A theatrical
7 promoter whose certificate has been revoked may again obtain registra-
8 tion by complying with the requirements of this chapter.

9 (b) Proceedings under this chapter are governed by the Admini-
10 strative Procedure Act (AS 44.62).

11 (c) If the department determines that a person is acting as a
12 theatrical promoter in violation of this chapter, the department may,
13 without prior hearing, order the person to stop the violation. Upon
14 receipt of the order, the person affected has the right to be heard and
15 to present proof to the department that the violation has not occurred.
16 In the department's discretion or upon application made by the recipient
17 of the order, the department shall schedule a hearing at the earliest
18 possible time. After the hearing the department may affirm, modify or
19 set aside the order.

20 Sec. 08.92.050. INJUNCTION. The attorney general, at the request
21 of the department, may institute an action in the superior court to
22 enjoin a violation of this chapter.

23 Sec. 08.92.060. VIOLATION OF SEC. 10 OF THIS CHAPTER A MISDE-
24 MEANOR. A person who violates sec. 10 of this chapter is guilty of a
25 misdemeanor, and upon conviction is punishable by a fine of not more
26 than \$5,000, or by imprisonment for not more than one year, or by both.

27 Sec. 08.92.070. EXEMPTION. This chapter does not apply to thea-
28 trical productions promoted, organized or produced by a nonprofit
29 corporation, society or group.

1 Sec. 08.92.080. REGULATIONS. The department may adopt regulations
2 in accordance with the Administrative Procedure Act (AS 44.62) as
3 necessary to administer and enforce this chapter.

4 Sec. 08.92.090. DEFINITIONS. In this chapter

5 (1) "department" means the Department of Commerce and Eco-
6 nomic Development;

7 (2) "theatrical promoter" means a person who contracts for
8 and arranges a theatrical production for purposes of profit whether
9 engaged full-time or part-time in the business of booking or hiring the
10 theatrical production;

11 (3) "theatrical production" means a live, staged performance,
12 including but not limited to concerts featuring any number of perfor-
13 mers, or any type of musical or dramatic entertainment, or specialty
14 acts for which a ticket is sold for purposes of profit by a theatrical
15 promoter.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).