

Introduced: 2/8/77
Referred: Judiciary

1 IN THE HOUSE

BY RUDD

2 *SCS* HOUSE BILL NO. 185 *AMS*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act regulating theatrical promoters."

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

8 * Section 1. AS 08 is amended by adding a new chapter to read:

9 CHAPTER 92. THEATRICAL PROMOTERS.

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

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

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

21 Sec. 08.92.030. BOND OR CASH DEPOSIT REQUIRED. A theatrical pro-
22 moter shall, at the time of applying for a certificate of registration,
23 file with the department a surety bond in the amount of \$10,000, or an
24 equivalent cash deposit. The bond or cash deposit shall be conditioned
25 upon the theatrical promoter's providing ticket refunds, within 10 days
26 after the scheduled date of the cancelled theatrical production, for a
27 theatrical production which is cancelled due to any cause. The state,
28 on behalf of a ticket holder, or a ticket holder directly may bring an
29 action upon the bond or cash deposit.

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1 Sec. 08.92.040. DENIAL, REVOCATION, AND SUSPENSION OF REGISTRA-
2 TION. (a) The department may refuse to issue, or may suspend or re-
3 voke, a certificate of registration for failure to comply with a provi-
4 sion 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7 promoter whose certificate has been revoked may again obtain registra-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 Adminis-
10 trative Procedure Act (AS 44.62) except when a certificate is revoked
11 because of cancellation of a bond.

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

21 Sec. 08.92.050. INJUNCTION. The attorney general may institute
22 an action in the superior court to 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 than
26 \$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 cor-
29 poration, society or group.

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

Sec. 08.92.090. DEFINITIONS. In this chapter

(1) "department" means the Department of Commerce and Economic Development;

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

(3) "theatrical production" means a live, staged performance, including but not limited to concerts featuring any number of performers, or any type of musical or dramatic entertainment, or specialty acts for which a ticket is sold in advance for purposes of profit by a theatrical promoter.

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