

Original sponsor: Rudd

Offered: 4/4/77
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 185

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 production and sports
7 exhibition promoters."

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. PROMOTERS.

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

17 Sec. 08.92.020. FEES. (a) An applicant for a promoter's certifi-
18 cate of registration shall pay an original registration 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 promoter of
22 theatrical productions or sports exhibitions shall, at the time of
23 applying for a certificate of registration, file with the department a
24 surety bond in the amount of \$25,000, or an equivalent cash deposit.
25 The bond or cash deposit shall be conditioned upon the promoter's pro-
26 viding ticket refunds, within 10 days after the scheduled date of the
27 cancelled production or exhibition, for a theatrical production or
28 sports exhibition which is cancelled due to any cause. The state, on
29 behalf of a ticket holder, or a ticket holder directly may bring an

1 action upon the bond or cash deposit.

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

10 (b) Proceedings under this chapter are governed by the Adminis-
11 trative Procedure Act (AS 44.62) except when a certificate is revoked
12 because of cancellation of a bond.

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

22 Sec. 08.92.050. INJUNCTION. The attorney general may institute an
23 action in the superior court to enjoin a violation of this chapter.

24 Sec. 08.92.060. VIOLATION OF SEC. 10 OF THIS CHAPTER A MISDE-
25 MEANOR. A person who violates sec. 10 of this chapter is guilty of a
26 misdemeanor and upon conviction is punishable by a fine of not more than
27 \$5,000, or by imprisonment for not more than one year, or by both.

28 Sec. 08.92.070. EXEMPTION. This chapter does not apply to thea-
29 trical productions or sports exhibitions promoted, organized or produced

1 by a nonprofit corporation, society or group which has qualified for
2 nonprofit status under sec. 501(c)(3) of the Internal Revenue Code (26
3 U.S.C. 501(c)(3)).

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

7 Sec. 08.92.090. DEFINITIONS. In this chapter

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

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

14 (3) "sports exhibition" means a competitive athletic event
15 viewed by spectators in substantial numbers for which a ticket is sold
16 in advance for purposes of profit by a sports exhibition promoter; the
17 term excludes sporting events conducted by a professional team or organi-
18 zation in accordance with a seasonal schedule;

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