

Original sponsor: Rudd

Offered: 5/18/77
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 SENATE CS FOR 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 concert 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. CONCERT PROMOTERS.

10 Sec. 08.92.010. REGISTRATION REQUIRED. No person may engage in
11 the business of promoting concerts in this state without first obtaining
12 and holding a current and valid promoter's certificate of registration
13 issued by the department. To remain valid, a certificate of registration
14 must be renewed on or before a date set by the department.

15 Sec. 08.92.020. FEES. (a) An applicant for a promoter's certifi-
16 cate of registration shall pay an original registration fee of \$75.

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

19 Sec. 08.92.030. BOND OR CASH DEPOSIT REQUIRED. A promoter of
20 concerts shall, at the time of applying for a certificate of registra-
21 tion, file with the department a surety bond or an equivalent cash de-
22 posit in the amount of 60 per cent of the anticipated gross receipts
23 for each concert promoted. The bond or cash deposit shall be conditioned
24 upon the promoter's providing ticket refunds, within 10 days after the
25 scheduled date of a concert or exhibition which is cancelled due to any
26 cause. The state, on behalf of a ticket holder, or a ticket holder
27 directly may bring an action upon the bond or cash deposit.

28 Sec. 08.92.040. DENIAL, REVOCATION, AND SUSPENSION OF REGISTRA-
29 TION. (a) The department may refuse to issue, or may suspend or

1 revoke, a certificate of registration for failure to comply with a
2 provision of this chapter or of a regulation adopted under it. If a
3 bonding company cancels the bond of a promoter, the promoter's certifi-
4 cate of registration shall be revoked. A promoter whose certificate has
5 been revoked may again obtain registration by complying with the require-
6 ments of this chapter.

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

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

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

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

25 Sec. 08.92.070. EXEMPTION. This chapter does not apply to con-
26 certs promoted, organized or produced by a nonprofit corporation,
27 society or group which has qualified for nonprofit status under sec.
28 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)).

29 Sec. 08.92.080. REGULATIONS. The department may adopt regulations

1 in accordance with the Administrative Procedure Act (AS 44.62) as
2 necessary to administer and enforce this chapter.

3 Sec. 08.92.090. DEFINITIONS. In this chapter

4 (1) "anticipated gross receipts" means the total gross
5 receipts the promoter should realize if all tickets to the concert
6 promoted are sold;

7 (2) "concert" means a live, staged musical performance,
8 comedy act, or other specialty act featuring any number of performers
9 for which a ticket is sold in advance for purposes of profit by a
10 concert promoter; the term does not include dramatic performances;

11 (3) "department" means the Department of Commerce and Econo-
12 mic Development;

13 (4) "promoter" means a person who contracts for and arranges
14 a concert for purposes of profit whether engaged full time or part time
15 in the business of booking or hiring concerts.

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