

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 am S

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 regis-
21 tration, file with the department a surety bond or an equivalent cash
22 deposit in the amount of \$5,000. As an alternative to the bond or
23 cash deposit, a promoter may deposit in a trust account in a bank,
24 savings and loan association, or licensed escrow agent, 50 per cent
25 of the advance ticket receipts accumulated for each concert promoted,
26 and provide the department with the number and location of the trust
27 or escrow account. The bond, cash deposit or account shall be con-
28 ditioned upon the promoter providing ticket refunds within 10 days
29 after the scheduled date of a concert which is cancelled due to any

1 cause. The state, on behalf of a ticket holder, or a ticket holder
2 directly, may bring an action on the bond, cash deposit or account.

3 Sec. 08.92.035. REFUND CAPTION REQUIRED. Tickets for concerts
4 subject to the provisions of this chapter shall be printed with the
5 name and business address of the promoter and the following caption:

6 "In the event of concert cancellation, refunds will be
7 available at the above location between the hours of
8 9:00 a.m. and 5:00 p.m. for a period of 10 days after
9 the scheduled date of the concert."

10 Sec. 08.92.040. DENIAL, REVOCATION, AND SUSPENSION OF REGISTRA-
11 TION. (a) The department may refuse to issue, or may suspend or
12 revoke, a certificate of registration for failure to comply with a
13 provision of this chapter or of a regulation adopted under it. If a
14 bonding company cancels the bond of a promoter, the promoter's certifi-
15 cate of registration shall be revoked. A promoter whose certificate has
16 been revoked may again obtain registration by complying with the require-
17 ments of this chapter.

18 (b) Proceedings under this chapter are governed by the Adminis-
19 trative Procedure Act (AS 44.62).

20 (c) If the department determines that a person is acting as a
21 promoter in violation of this chapter, the department may order the
22 person to stop the violation. Upon receipt of the order, the person
23 affected has the right to be heard and to present proof to the depart-
24 ment that the violation has not occurred. In the department's discretion
25 or upon application made by the recipient of the order, the department
26 shall schedule a hearing at the earliest possible time. After the
27 hearing the department may affirm, modify, or set aside the order.

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

1 Sec. 08.92.060. VIOLATIONS. (a) A person who violates sec.
2 10 of this chapter is guilty of a misdemeanor and upon conviction is
3 punishable by a fine of not more than \$5,000, or by imprisonment for
4 not more than on year, or by both.

5 (b) Retention of ticket receipts after the 10th day following
6 the scheduled date of a concert that has been cancelled is presumed
7 to be fraud against ticket purchasers. A promoter who fails to re-
8 fund the purchase price of a ticket to a concert which has been
9 cancelled and retains the ticket receipts after the 10th day follow-
10 ing the scheduled concert that has been cancelled is guilty of

11 (1) a misdemeanor, if ticket receipts retained are \$1,000
12 or less, and upon conviction is punishable by a fine of not more
13 than \$5,000, or by imprisonment for not more than one year, or by
14 both;

15 (2) a felony, if ticket receipts retained are more than
16 \$1,000, and upon conviction is punishable by a fine of not more than
17 \$10,000, or by imprisonment for not more than five years, or by both.

18 Sec. 08.92.070. EXEMPTION. The provisions of this chapter
19 do not apply to concerts promoted, organized or produced

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

23 (2) by a promoter for presentation within a municipality
24 having a population of less than 10,000 persons.

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

28 Sec. 08.92.090. DEFINITIONS. In this chapter

29 (1) "concert" means a live, staged musical performance,

1 comedy act, or other specialty act featuring any number of performers
2 for which a ticket is sold in advance for purposes of profit by a
3 concert promoter; the term does not include dramatic performances;

4 (2) "department" means the Department of Commerce and Econo-
5 mic Development;

6 (3) "promoter" means a person who contracts for and arranges
7 a concert for purposes of profit whether engaged full time or part time
8 in the business of booking or hiring concerts.
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