

Original sponsor: Faiks

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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CS FOR SENATE BILL NO. 110 (L&C)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the practice of architecture,  
engineering, and land surveying."

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

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\* Section 1. AS 08.48.101(a) is amended to read:

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(a) The board may adopt regulations to carry out the purpose of  
this chapter, including, but not limited to

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(1) describing the contents of an examination;

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(2) establishing the conduct of an examination;

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(3) establishing a minimum score for passing an examina-  
tion;

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(4) establishing bylaws governing its meetings and activ-  
ities;

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(5) publishing a code of ethics or professional conduct for

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those persons regulated by this chapter, including corporations under  
AS 08.48.241;

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(6) establishing procedures for the notice, hearing, as-

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essment, and appeal of civil penalties for the unlawful practice of  
architecture, engineering, or land surveying;

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(7) establishing civil penalties, not to exceed \$5,000 for

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each violation, for the unlawful practice of architecture, engineer-

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ing, or land surveying that give due consideration to the severity of

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the violation.

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\* Sec. 2. AS 08.48 is amended by adding new sections to read:

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Sec. 08.48.283. ISSUANCE OF CITATIONS. The department may issue

1 a citation to a person if there is probable cause to believe the  
2 person has violated AS 08.48.281. Each day a violation continues  
3 after a citation for the violation has been issued constitutes a  
4 separate violation.

5 Sec. 08.48.285. PROCEDURE AND FORM OF CITATION ISSUANCE AND  
6 PROCEDURE. (a) A citation issued under this chapter shall be in  
7 writing. A person receiving the citation is not required to sign a  
8 notice to appear in court.

9 (b) Unless the person cited requests an earlier hearing, the  
10 time specified in the notice to appear on a citation issued under this  
11 chapter shall be at least five days, not including weekends and  
12 holidays, after the issuance of the citation.

13 (c) The department is responsible for the issuance of books  
14 containing appropriate citations and shall maintain a record of each  
15 book issued and each citation contained in it. The department shall  
16 require and retain a receipt for every book issued to an employee of  
17 the department.

18 (d) The department shall deposit the original or a copy of the  
19 citation with a court having jurisdiction over the alleged offense.  
20 Upon its deposit with the court, the citation may be disposed of only  
21 by trial in the court or other official action taken by the magis-  
22 trate, judge, or prosecutor. The department may not dispose of the  
23 citation or copies of it or of the record of its issuance except as  
24 required under this subsection and (e) of this section.

25 (e) The department shall require the return of a copy of every  
26 citation issued by the department under this chapter and of all copies  
27 of every citation that has been spoiled or upon which an entry has  
28 been made and not issued to an alleged violator. The department shall  
29 also maintain, in connection with every citation issued by the

1        respective department, a record of the disposition of the charge by  
2        the court where the citation was deposited.

3            (f) If the form of citation issued under this chapter includes  
4        the essential facts constituting the offense charged, and if the  
5        citation is sworn to as required under the laws of this state for a  
6        complaint charging commission of the offense alleged in the citation,  
7        then the citation when filed with a court having jurisdiction is  
8        considered to be a lawful complaint for the purpose of prosecution.

9            Sec. 08.48.287. FAILURE TO OBEY CITATION. Unless the citation  
10        has been voided or otherwise dismissed by the magistrate, judge, or  
11        prosecutor, a person who without lawful justification or excuse fails  
12        to appear in court to answer a citation issued under this chapter,  
13        regardless of the disposition of the charge for which the citation was  
14        issued, is guilty of a class B misdemeanor.

15        \* Sec. 3. AS 08.48.431 is amended by adding a new paragraph to read:

16            (14) "department" means the Department of Commerce and  
17        Economic Development.