

HOUSE BILL NO. 192  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MULDER

Introduced: 3/2/93

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to advertising by construction contractors."

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

3 \* Section 1. AS 08.18.051 is amended by adding new subsections to read:

4 (d) A person, including a person who is otherwise exempt under AS 08.18.161,  
5 may not advertise for work in the state as a contractor unless the person has a current  
6 certificate of registration issued by the department under AS 08.18.011 for the type of  
7 contractor activity being advertised.

8 (e) In addition to the other requirements of this section, a contractor who  
9 advertises for work in the state by using a print or broadcast medium shall provide the  
10 publisher or producer of the medium with proof of the validity of the contractor's  
11 certificate of registration.

12 (f) The publisher or producer of a print or broadcast medium may not publish  
13 or broadcast an advertisement made by a contractor for work in the state unless the  
14 contractor includes the contractor's registration number under this chapter in the

1 advertisement and provides the proof required by (e) of this section.

2 (g) The publisher or producer of a print or broadcast medium is not liable to  
3 a contractor for a claim by the contractor based on the refusal of the publisher or  
4 producer to accept advertisements under (f) of this section.

5 (h) In this section,

6 (1) "advertise" includes

7 (A) the issuance of a card, sign, or device to a person;

8 (B) the causing, permitting, or allowing of a sign or marking on  
9 or in a vehicle or a building or other structure; and

10 (C) a notice in a directory, unless the notice is solely a name,  
11 address, and phone number listing under the classification of contractor;

12 (2) "print or broadcast medium" does not include

13 (A) newspapers, magazines, journals, and other types of print  
14 media that are produced outside the state for distribution in more than one  
15 state; or

16 (B) broadcasts that originate outside the state.

17 \* Sec. 2. AS 08.18.141(a) is amended to read:

18 (a) A contractor or a person acting in the capacity of a contractor who  
19 knowingly violates AS 08.18.011, [OR] 08.18.025, or 08.18.051(d) or (e) is guilty  
20 of a class B misdemeanor. A person who violates another provision of this chapter  
21 is guilty of a violation punishable under AS 12.

22 \* Sec. 3. AS 08.18.161 is amended to read:

23 Sec. 08.18.161. EXEMPTIONS. Except as otherwise provided in  
24 AS 08.18.051(d), this [THIS] chapter does not apply to [:]

25 (1) an authorized representative of the United States government, the  
26 State of Alaska, or a political subdivision or agency of the state;

27 (2) an officer of a court when acting within the scope of office;

28 (3) a public utility operating under the regulations of the public service  
29 commission in construction, maintenance, or development work incidental to its own  
30 business;

31 (4) a construction, repair, or operation incidental to the discovering or

1 producing of petroleum or gas, or the drilling, testing, abandoning, or other operation  
2 of a petroleum or gas well or a surface or underground mine or mineral deposit when  
3 performed by an owner or lessee;

4 (5) the sale or installation of finished products, materials, or articles of  
5 merchandise that [WHICH] are not actually fabricated into and do not become a  
6 permanent, fixed part of a structure;

7 (6) construction, alteration, or repair of personal property;

8 (7) a person who only furnished materials, supplies, or equipment  
9 without fabricating them into, or consuming them in the performance of, the work of  
10 the contractor;

11 (8) work on one project under one or more contracts, the aggregate  
12 contract price of which for labor and materials and all other items is less than \$10,000,  
13 this work being considered as of a casual, minor, or inconsequential nature; this  
14 exemption does not apply when the work is only a part of a larger or major operation,  
15 whether undertaken by the same or a different contractor, or when the work is divided  
16 into contracts of amounts less than \$10,000 for the purpose of evasion of this chapter  
17 or otherwise; this exemption does not apply to a person who advertises or puts out a  
18 sign or card or other device that [WHICH] might indicate to the public that the person  
19 is a contractor, or that the person is qualified to engage in the contracting business; a  
20 contractor who performs work priced at \$2,500 or more, under this exemption, shall  
21 nevertheless keep in force public liability and property damage insurance with  
22 coverage in at least the amounts set out in AS 08.18.101;

23 (9) an owner who contracts for a project with a registered contractor;

24 (10) a person working on that person's own property, whether occupied  
25 by the person or not, and a person working on that person's own residence, whether  
26 owned by the person or not;

27 (11) an owner or tenant of commercial property who uses the owner's  
28 or tenant's own employees to do maintenance, repair, and alteration work upon that  
29 property;

30 (12) an owner who acts as the owner's own contractor and in doing so  
31 hires workers on an hourly basis, hires subcontractors, purchases materials, and, as

1 such, sees to the paying for all labor, subcontractors, and materials; in this case, the  
2 owner shall be limited to construction of one home, duplex, triplex, four-plex, or one  
3 commercial building per year;

4 (13) a person performing construction work incidental to farming,  
5 dairying, agriculture, horticulture, stock or poultry raising, mining, logging, fishing,  
6 clearing, or other work upon the land in rural districts for fire prevention purposes, or  
7 access road building, unless the person is a licensee.