

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

BY REPRESENTATIVE MULDER

Introduced: 3/24/93

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to 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 may not advertise for work in the state as a contractor unless the
5 person has a current certificate of registration issued by the department under
6 AS 08.18.011 for the type of contractor activity being advertised.

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

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

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

4 (h) In this section,

5 (1) "advertise" includes

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

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

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

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

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

15 (B) broadcasts that originate outside the state.

16 * Sec. 2. AS 08.18.141(a) is repealed and reenacted to read:

17 (a) Except as provided by AS 08.18.119, a person who violates a provision of
18 this chapter is guilty of a violation. Notwithstanding AS 12.55.035(b) and (c), the
19 maximum fine for each violation is \$1,000.

20 * Sec. 3. AS 08.18.161 is amended to read:

21 Sec. 08.18.161. EXEMPTIONS. This chapter does not apply to [:]

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

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

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

28 (4) a construction, repair, or operation incidental to the discovering or
29 producing of petroleum or gas, or the drilling, testing, abandoning, or other operation
30 of a petroleum or gas well or a surface or underground mine or mineral deposit when
31 performed by an owner or lessee;

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

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

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

8 (8) work on one project under one or more contracts, the aggregate
9 contract price of which for labor and materials and all other items is less than \$5,000
10 [\$10,000], this work being considered as of a casual, minor, or inconsequential nature;
11 this exemption does not apply when the work is only a part of a larger or major
12 operation, whether undertaken by the same or a different person [CONTRACTOR],
13 or when the work is divided into contracts of amounts less than \$5,000 [\$10,000] for
14 the purpose of evasion of this chapter or otherwise; this exemption does not apply to
15 a person who advertises or puts out a sign or card or other device that [WHICH]
16 might indicate to the public that the person is a contractor, or that the person is
17 qualified to engage in the contracting business; a person [CONTRACTOR] who
18 performs work priced at \$2,500 or more, under this exemption, shall nevertheless keep
19 in force public liability and property damage insurance with coverage in at least the
20 amounts set out in AS 08.18.101;

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

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

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

28 (12) an owner who acts as the owner's own contractor and in doing so
29 hires workers on an hourly basis, hires subcontractors, purchases materials, and, as
30 such, sees to the paying for all labor, subcontractors, and materials; in this case, the
31 owner shall be limited to construction of one home, duplex, triplex, four-plex, or one

1 commercial building per year;

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