

COMMITTEE REPORT
SENATE

FURTHER:

5/4/85

Date 5/10/85

Mr. President

The Committee on FINANCE considered CSHB 168(L&C)

construction contractors; eid.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass

do pass with attached amendment(s)

replace with/or adopt 5 CS for CSHB 68 (Jud)

new title

same title and recommends Do Pass

and attached a "LETTER OF INTENT" NEW FISCAL NOTE

reports it back without recommendation

recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Robert

Chairman

Chairman recommendation

A/B

STATE OF ALASKA, 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST
 Bill/Resolution No.: CSHB 168 (L&C)
 Title: Act relating to
Construction Contractors;
 Sponsor: Representative Sund
 Requestor: House Finance Committee
 Date of Request: March 19, 1985

FISCAL DETAIL
 Agency Affected: Commerce & Economic Dev.
 Program Category Affected: _____
Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		69.3	96.9	101.7	106.8	112.2
200 TRAVEL		13.8	15.7	16.5	17.3	18.2
300 CONTRACTUAL		22.8	23.9	25.1	26.4	27.7
400 SUPPLIES		2.7	3.8	4.0	4.2	4.4
500 EQUIPMENT		8.4	-0-	-0-	-0-	-0-
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		117.0	140.3	147.3	154.7	162.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		117.0	140.3	147.3	154.7	162.5
FEDERAL FUNDS						
OTHER						
TOTAL		117.0	140.3	147.3	154.7	162.5

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

ANALYSIS: Attach a separate page if necessary

See page 2 Attached for analysis.

Prepared By: Al Adams - Chairman Phone: 465-3706
 Division: House Finance Committee Date: March 19, 1985

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

@v Eden
Consumer Protection
7/1/84

Current revenues generated by licensing fees charged construction contractors approximate \$436.7. HB 78 provides for additional revenues should costs exceed those presently incurred.

This note provides two positions, one in Anchorage and one in Fairbanks to implement the citation procedure. Existing Headquarters staff from Juneau will service Southeast.

COST ANALYSIS FY 86 - Variable costs @ 9 months.

	<u>ANCHORAGE</u>	<u>FAIRBANKS</u>	<u>JUNEAU</u>
100	Investigator I - 28.0	Investigator III 41.3 ⁽¹⁾	-0-
200	3.8	5.0	5.0
300	7.0	9.8 (1)	6.0
400	- 0.9	0.9	0.9
500	4.2	4.2	-0-

(1) Fairbanks office stands alone, hence higher level investigator and cost of new office space.

Offered: 5/4/85
Referred: Finance

Original sponsors: Sund, Taylor
and Boucher

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 168 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to construction contractors; and
7 providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 08.18.011 is amended by adding a new subsection to
10 read:
11 (b) A general contractor may not allow a person required to be
12 registered under this chapter to work for the general contractor as a
13 specialty contractor unless the person is registered under this chap-
14 ter.
15 * Sec. 2. AS 08.18.031 is amended by adding a new subsection to read:
16 (b) The commissioner may not issue a certificate of registration
17 or renew the registration of an applicant whose registration has been
18 revoked or suspended or against whom a fine has been imposed under
19 this chapter until the period of revocation or suspension has expired
20 and any fine has been paid.
21 * Sec. 3. AS 08.18.051 is amended to read:
22 Sec. 08.18.051. IDENTIFICATION REQUIREMENTS [REGISTERED NAME].
23 (a) Except as provided otherwise by [STATE] law, a [NO] person who
24 has registered under one name as required by this chapter may not act
25 in the capacity of a contractor under any other name unless that name
26 also is registered.
27 (b) All advertising, contracts, correspondence, cards, signs,
28 posters, papers and documents prepared by a contractor for the con-
29 tracting business shall [WHICH] show the contractor's name, mailing

1 [AND] address, and address of the contractor's principal place of
2 business. Advertising and contracts shall also include the contrac-
3 tor's registration number [SHALL SHOW THE NAME AND ADDRESS AS REGIS-
4 TERED UNDER THIS CHAPTER].

5 (c) Individual contractors and partners, associates, agents,
6 salesmen, solicitors, officers and employees of contractors shall use
7 their true names and addresses and the true name of the contractor
8 firm at all times while acting in the capacity of a contractor or
9 performing related activities.

10 * Sec 4. AS 08.18.071(b) is amended to read:

11 (b) If the applicant is a general contractor the amount of the
12 bond shall be \$10,000 [\$5,000]; if the applicant is a specialty con-
13 tractor the amount of the bond shall be \$5,000 [\$2,000]. In lieu of
14 the surety bond the applicant may file with the commissioner a cash
15 deposit or other negotiable security acceptable to the commissioner
16 [OF COMMERCE,] in the amount specified for bonds.

17 * Sec. 5. AS 08.18 is amended by adding new sections to article 3 to
18 read:

19 Sec. 08.18.116. INVESTIGATIONS. Either the Department of Com-
20 merce and Economic Development or the Department of Labor may investi-
21 gate alleged or apparent violations of this chapter. These depart-
22 ments, upon showing proper credentials, may enter, during regular
23 hours of work, a construction site where it appears that contracting
24 work is being done. The departments may make inquiries about the
25 identity of the contractor or the person acting in the capacity of a
26 contractor. Upon demand, a contractor or person acting in the capac-
27 ity of a contractor, or that person's representative, shall produce
28 evidence of current registration.

29 Sec. 08.18.117. ISSUANCE OF CITATIONS. Either the Department of

1 Commerce and Economic Development or the Department of Labor may issue
2 a citation for a violation if there is probable cause to believe a
3 person has violated this chapter. Each day a violation continues
4 after a citation for the violation has been issued constitutes a
5 separate violation.

6 Sec. 08.18.118. PROCEDURE AND FORM OF CITATION ISSUANCE AND
7 PROCEDURE. (a) A citation issued under this chapter shall be in
8 writing. A person receiving the citation is not required to sign a
9 notice to appear in court.

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

14 (c) The Department of Commerce and Economic Development and the
15 Department of Labor are responsible for the issuance of books contain-
16 ing appropriate citations, and each shall maintain a record of each
17 book issued and each citation contained in it. Each department shall
18 require and retain a receipt for every book issued to an employee of
19 that department.

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

28 (e) The Department of Commerce and Economic Development and the
29 Department of Labor shall require the return of a copy of every

1 citation issued by the respective department under this chapter, and
2 of all copies of every citation that has been spoiled or upon which an
3 entry has been made and not issued to an alleged violator. The
4 departments shall also maintain, in connection with every citation
5 issued by the respective department, a record of the disposition of
6 the charge by the court where the original or copy of the citation was
7 deposited.

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

14 Sec. 08.18.119. FAILURE TO OBEY CITATION. Unless the citation
15 has been voided or otherwise dismissed by the magistrate, judge, or
16 prosecutor, a person who without lawful justification or excuse fails
17 to appear in court to answer a citation issued under this chapter, re-
18 gardless of the disposition of the charge for which the citation was
19 issued, is guilty of a class B misdemeanor.

20 * Sec. 6. AS 08.18.121(f) is amended to read:

21 (f) If the Department of Commerce and Economic Development or
22 the Department of Labor [COMMISSIONER OF LABOR] determines that a con-
23 tractor or a person [IS] acting in the capacity of [AS] a contractor,
24 is in violation of this chapter, that department may [THE COMMISSIONER
25 SHALL] give written notice to the person prohibiting further action by
26 the person as a contractor. The prohibition continues until the
27 person has submitted evidence acceptable to that department [THE
28 COMMISSIONER OF LABOR] showing that the violation has been corrected.

29 * Sec. 7. AS 08.18.121(g) is amended to read:

1 (g) A person affected by an order issued under this chapter may
2 seek equitable relief preventing the Department of Commerce and Eco-
3 nomic Development or the Department of Labor [COMMISSIONER OF LABOR]
4 from enforcing the order.

5 * Sec. 8. AS 08.18.131 is amended to read:

6 Sec. 08.18.131. INJUNCTION. In an action instituted in the
7 superior court by the Department of Commerce and Economic Development
8 or the Department of Labor, the court may enjoin [COMMISSIONER OF
9 LABOR OR THE COMMISSIONER'S REPRESENTATIVE,] a person from acting in
10 the capacity of a contractor in violation of this chapter. In
11 addition to other relief, the court may impose a civil penalty of not
12 more than \$250 for each violation. Each day that an unlawful act
13 continues constitutes a separate violation [MAY BE ENJOINED FROM DOING
14 SO].

15 * Sec. 9. AS 08.18.141 is amended to read:

16 Sec. 08.18.141. MISDEMEANOR. (a) A contractor or a person
17 acting in the capacity of a contractor in violation of AS 08.18.011
18 [THIS CHAPTER] is guilty of a class B misdemeanor. A person who
19 violates another provision of this chapter is guilty of a violation
20 punishable under AS 12.

21 (b) Criminal prosecution for a violation of this chapter does
22 not preclude the Department of Commerce and Economic Development or
23 the Department of Labor from seeking available civil remedies.

24 * Sec. 10. AS 08.18.171 is amended by adding a new paragraph to read:

25 (4) "department" means the Department of Commerce and
26 Economic Development, unless the context indicates otherwise.

27 * Sec. 11. Sections 1, 2 and 4 - 10 of this Act take effect July 1,
28 1985.

29 * Sec. 12. Section 3 of this Act takes effect July 1, 1986.

1 * Sec. 13. Section 4 of this Act applies to general contractor and
2 specialty contractor licenses that are issued or renewed by the Department
3 of Commerce and Economic Development after July 1, 1985.

SECTIONAL ANALYSIS FOR SENATE CS
FOR HOUSE BILL NO. 168 (Judiciary)

An Act relating to construction contractors; and providing for an effective date.

Section 1

Under current law, all contractors are required to be licensed. General contractors must post a \$5000 bond and specialty contractors must post a \$2000 bond. The Dept. of Commerce registers contractors, while the Dept. of Labor enforces licensing requirements.

This section prohibits a general contractor from hiring a sub contractor who is not licensed.

Section 2

Prevents the Department from licensing a contractor whose license is currently revoked or who owes an unpaid fine which was imposed under this chapter.

Section 3

Requires that the contractor's mailing address, address of principal place of business, and license number be placed on all advertising and contracts. Also requires that employees and agents use their company's true name when acting on behalf of the contractor.

Section 4

Increases bonding amounts to \$10,000 for general contractors and to \$5000 for specialty contractors.

Section 5

Authorizes both the Dept. of Commerce and the Dept. of Labor to investigate violations and issue citations for violations

of this chapter. Also, specifies the form and procedure for the handling of citations by the Departments.

Sections 6, 7, & 8

Authorize the Dept. of Commerce to issue stop orders to contractor violators and allow the accused violators to seek legal relief from such orders against the Department. ; Authorize this Department to seek injunctions to prevent violators from acting as contractors. (Dept. of Labor already has these powers.) Also allow a court to impose civil penalties of \$250/per day against violators.

Section 9

Makes contracting without a license or hiring an unlicensed subcontractor a Class B misdemeanor (90 days and/or \$1000 fine). Other offenses under this chapter will be violations, similar to traffic infractions.

Section 10

Adds Dept. of Commerce to chapter definitions.

Sections 11 & 12

Give all sections of the bill an effective date of July 1, 1985, except for the identification requirements of Section 3, which are given an effective date of July 1, 1986.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST Bill/Resolution No.: <u>CSHB 168 (Jud)</u> Title: <u>Act relating to</u> <u>Construction Contractors</u> Sponsor: <u>Orig. Rep. Sund</u> Requestor: <u>Senate Finance</u> Date of Request: <u>5/10/85</u>	SCS	FISCAL DETAIL Agency Affected: <u>Commerce & Economic Dev.</u> Program Category Affected: <u>Consumer Protection</u> BRU, Program or Subprogram(s) Affected: <u>Occupational Licensing</u>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL		0			
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REVENUE		0			
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0			
FEDERAL FUNDS					
OTHER					
TOTAL		0			

POSITIONS:

FULL-TIME		0			
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: _____	Phone: <u>4523</u>
Division: <u>Jan Faiks, Co-chairman</u>	Date: <u>5/10/85</u>
<u>Senate Finance Committee</u>	
Approved by Commissioner: _____	Date: _____
Agency: _____	

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST SCS CSHB 168 (L&C)
Bill/Resolution No.: _____
Title: "An Act relating to
construction contractors..."
Sponsor: Sund and Taylor
Requestor: Senate Judiciary
Date of Request: 4/19/85

FISCAL DETAIL
Agency Affected: Labor
Program Category Affected: Public
Protection
BRU, Program or Subprogram(s) Affected:
Labor Standards & Safety
Wage and Hour Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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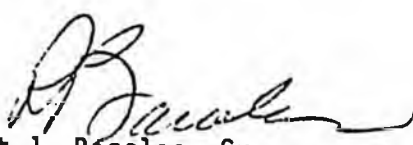
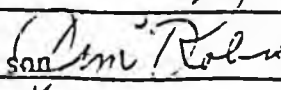
FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: ^{NB}  Robert J. Bacolas, Sr. Phone: 465-4870
 Division: Labor Standards & Safety Date: 4/22/85
 Approved by Commissioner:  Jim Robinson Date: 4/22/85
 Agency: Labor

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Offered: 4/18/85
Referred: Judiciary

Original sponsors: Sund, Taylor
and Boucher

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 168 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to construction contractors; and
7 providing for an effective date."

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

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11 (b) A general contractor may not allow a person required to be
12 registered under this chapter to work for the general contractor as a
13 specialty contractor unless the person is registered under this chap-
14 ter.

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25 in the capacity of a contractor under any other name unless that name
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29 tracting business shall [WHICH] show the contractor's name, mailing

1 [AND] address, and address of the contractor's principal place of
2 business. Advertising and contracts shall also include the contrac-
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14 the surety bond the applicant may file with the commissioner a cash
15 deposit or other negotiable security acceptable to the commissioner
16 [OF COMMERCE,] in the amount specified for bonds.

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18 read:

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20 merce and Economic Development or the Department of Labor may investi-
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23 hours of work, a construction site at which it appears that contract-
24 ing work is being done. The departments may make inquiries about the
25 identity of the contractor or the person acting in the capacity of a
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16 ing appropriate citations, and each shall maintain a record of each
17 book issued and each citation contained in it. Each department shall
18 require and retain a receipt for every book issued to an employee of
19 the department designated by the commissioner to provide investigative
20 services to enforce provisions of this chapter.

21 (d) An employee who issues a citation under this chapter shall
22 deposit the original or a copy of the citation with a court having
23 jurisdiction over the alleged offense. Upon its deposit with the
24 court, the citation may be disposed of only by trial in the court or
25 other official action taken by the magistrate, judge, or prosecutor.
26 The employee who issued the citation may not dispose of it or copies
27 of it or of the record of its issuance except as required under this
28 subsection and (e) of this section.

29 (e) The Department of Commerce and Economic Development and the

1 Department of Labor shall require the return of a copy of every cita-
2 tion issued by an employee of the respective department under this
3 chapter, and of all copies of every citation that has been spoiled or
4 upon which an entry has been made and not issued to an alleged viola-
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7 of the disposition of the charge by the court where the original or
8 copy of the citation was deposited.

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10 the essential facts constituting the offense charged, and if the
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19 gardless of the disposition of the charge for which the citation was
20 issued, is guilty of a class B misdemeanor.

21 * Sec. 6. AS 08.18.121(f) is amended to read:

22 (f) If the Department [COMMISSIONER] of Labor or the Department
23 of Commerce and Economic Development [LABOR] determines that a con-
24 tractor or a person [IS] acting in the capacity of [AS] a contractor,
25 is in violation of this chapter, that department may [THE COMMISSIONER
26 SHALL] give written notice to the person prohibiting further action by
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29 COMMISSIONER OF LABOR] showing that the violation has been corrected.

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2 (g) A person affected by an order issued under this chapter may
3 seek equitable relief preventing the Department of Labor or the De-
4 partment of Commerce and Economic Development [COMMISSIONER OF LABOR]
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6 * Sec. 8. AS 08.18.131 is amended to read:

7 Sec. 08.18.131. INJUNCTION. In an action instituted in the
8 superior court by the commissioner of labor or the commissioner of
9 commerce and economic development, the court may enjoin [COMMIS-
10 SIONER'S REPRESENTATIVE,] a person from acting in the capacity of a
11 contractor in violation of this chapter. In addition to other relief,
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13 violation. Each day that an unlawful act continues constitutes a
14 separate violation [MAY BE ENJOINED FROM DOING SO].

15 * Sec. 9. AS 08.18.141 is amended to read:

16 Sec. 08.18.141. MISDEMEANOR. (a) A contractor or a person
17 acting in the capacity of a contractor in violation of AS 08.18.011
18 [THIS CHAPTER] is guilty of a class B misdemeanor. A person who
19 violates another provision of this chapter is guilty of a violation
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21 (b) Criminal prosecution for a violation of this chapter does
22 not preclude the Department of Commerce and Economic Development or
23 the Department of Labor from seeking available civil remedies.

24 * Sec. 10. AS 08.18.171 is amended by adding a new paragraph to read:

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26 Economic Development, unless the context indicates otherwise.

27 * Sec. 11. Sections 1, 2 and 4 - 10 of this Act take effect July 1,
28 1985.

29 * Sec. 12. Section 3 of this Act takes effect July 1, 1986.

1 * Sec. 13. Section 4 of this Act applies to general contractor and
2 specialty contractor licenses that are issued or renewed by the Department
3 of Commerce and Economic Development after July 1, 1985.

HOUSE JOURNAL

House Finance Committee
Letter of Intent
for
CSHB 168 (Labor and Commerce)

This bill intends to expand the enforcement authority over contractors by both the Department of Labor and the Department of Commerce and Economic Development. It is the intent that funds provided by the fiscal note be shared by both departments taking into account existing enforcement personnel, capabilities, and office locations.



Al Adams, Chairman
House Finance Committee

House Letter of Intent Adopted 3/22/85

Offered: 2/25/85
Referred: Judiciary and Finance

Original sponsors: Sund, Taylor
and Boucher

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 168 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to construction contractors; and
providing for an effective date."

7

8

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

9

* Section 1. AS 08.18.011 is amended by adding a new subsection to

10 read:

11

(b) A general contractor may not allow a person required to be

12

registered under this chapter to work for the general contractor as a

13

specialty contractor unless the person is registered under this chap-

14

ter.

15

* Sec. 2. AS 08.18.031 is amended by adding a new subsection to read:

16

(b) The commissioner may not issue a certificate of registration

17

or renew the registration of an applicant whose registration has been

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revoked or suspended or against whom a fine has been imposed under

19

this chapter until the period of revocation or suspension has expired

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and any fine has been paid.

21

* Sec. 3. AS 08.18.051 is amended to read:

22

Sec. 08.18.051. IDENTIFICATION REQUIREMENTS [REGISTERED NAME].

23

(a) Except as provided otherwise by [STATE] law, a [NO] person who

24

has registered under one name as required by this chapter may not act

25

in the capacity of a contractor under any other name unless that name

26

also is registered.

27

(b) All advertising, contracts, correspondence, cards, signs,

28

posters, papers and documents prepared by a contractor for the con-

29

tracting business shall [WHICH] show the contractor's name, mailing

1 [AND] address, and address of the contractor's principal place of
2 business. Advertising and contracts shall also include the contrac-
3 tor's registration number [SHALL SHOW THE NAME AND ADDRESS AS REGIS-
4 TERED UNDER THIS CHAPTER].

5 (c) Individual contractors and partners, associates, agents,
6 salesmen, solicitors, officers and employees of contractors shall use
7 their true names and addresses and the true name of the contractor
8 firm at all times while acting in the capacity of a contractor or
9 performing related activities.

10 * Sec. 4. AS 08.18.071(b) is amended to read:

11 (b) If the applicant is a general contractor the amount of the
12 bond shall be \$10,000 [\$5,000]; if the applicant is a specialty con-
13 tractor the amount of the bond shall be \$5,000 [\$2,000]. In lieu of
14 the surety bond the applicant may file with the commissioner a cash
15 deposit or other negotiable security acceptable to the commissioner
16 [OF COMMERCE,] in the amount specified for bonds.

17 * Sec. 5. AS 08.18 is amended by adding new sections to article 3 to
18 read:

19 Sec. 08.18.116. INVESTIGATIONS. Either the Department of Com-
20 merce and Economic Development or the Department of Labor may investi-
21 gate alleged or apparent violations of this chapter. These depart-
22 ments, upon showing proper credentials, may enter, during regular
23 hours of work, a construction site at which it appears that contract-
24 ing work is being done. The departments may make inquiries about the
25 identity of the contractor or the person acting in the capacity of a
26 contractor. Upon demand, a contractor or person acting in the capac-
27 ity of a contractor, or that person's representative, shall produce
28 evidence of current registration.

29 Sec. 08.18.117. ISSUANCE OF CITATIONS. Either the Department of

1 Commerce and Economic Development or the Department of Labor may issue
2 a citation for a violation if there is probable cause to believe a
3 person has violated this chapter. Each day a violation continues
4 after a citation for the violation has been issued constitutes a
5 separate violation.

6 Sec. 08.18.118. PROCEDURE AND FORM OF CITATION ISSUANCE AND
7 PROCEDURE. (a) A citation issued under this chapter shall be in
8 writing. A person receiving the citation is not required to sign a
9 notice to appear in court.

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

14 (c) The Department of Commerce and Economic Development and the
15 Department of Labor are responsible for the issuance of books contain-
16 ing appropriate citations, and each shall maintain a record of each
17 book issued and each citation contained in it. Each department shall
18 require and retain a receipt for every book issued to an employee of
19 the department designated by the commissioner to provide investigative
20 services to enforce provisions of this chapter.

21 (d) An employee who issues a citation under this chapter shall
22 deposit the original or a copy of the citation with a court having
23 jurisdiction over the alleged offense. Upon its deposit with the
24 court, the citation may be disposed of only by trial in the court or
25 other official action taken by the magistrate, judge, or prosecutor.
26 The employee who issued the citation may not dispose of it or copies
27 of it or of the record of its issuance except as required under this
28 subsection and (e) of this section.

29 (e) The Department of Commerce and Economic Development and the

1 Department of Lab : shall require the return of a copy of every cita-
2 tion issued by an employee of the respective department under this
3 chapter, and of all copies of every citation that has been spoiled or
4 upon which an entry has been made and not issued to an alleged viola-
5 tor. The departments shall also maintain, in connection with every
6 citation issued by an employee of the respective department, a record
7 of the disposition of the charge by the court where the original or
8 copy of the citation was deposited.

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

15 Sec. 08.18.119. FAILURE TO OBEY CITATION. Unless the citation
16 has been voided or otherwise dismissed by the magistrate, judge, or
17 prosecutor, a person who without lawful justification or excuse fails
18 to appear in court to answer a citation issued under this chapter, re-
19 gardless of the disposition of the charge for which the citation was
20 issued, is guilty of a class B misdemeanor.

21 * Sec. 6. AS 08.18.121(f) is amended to read:

22 (f) If the Department [COMMISSIONER] of Labor or the Department
23 of Commerce and Economic Development [LABOR] determines that a con-
24 tractor or a person [IS] acting in the capacity of [AS] a contractor,
25 is in violation of this chapter, that department may [THE COMMISSIONER
26 SHALL] give written notice to the person prohibiting further action by
27 the person as a contractor. The prohibition continues until the
28 person has submitted evidence acceptable to that department [THE
29 COMMISSIONER OF LABOR] showing that the violation has been corrected.

1 * Sec. 7. AS 08.18.121(g) is amended to read:

2 (g) A person affected by an order issued under this chapter may
3 seek equitable relief preventing the Department of Labor or the
4 Department of Commerce and Economic Development [COMMISSIONER OF
5 LABOR] from enforcing the order.

6 * Sec. 8. AS 08.18.131 is amended to read:

7 Sec. 08.18.131. INJUNCTION. In an action instituted in the
8 superior court by the commissioner [OF LABOR OR THE COMMISSIONER'S
9 REPRESENTATIVE], a person may be enjoined from acting in the capacity
10 of a contractor in violation of this chapter [MAY BE ENJOINED FROM
11 DOING SO]. In addition to other relief, a civil penalty not to exceed
12 \$250 may be imposed for each violation. Each day that an unlawful act
13 continues constitutes a separate violation.

14 * Sec. 9. AS 08.18.141 is amended to read:

15 Sec. 08.18.141. MISDEMEANOR. (a) A contractor or a person
16 acting in the capacity of a contractor in violation of AS 08.18.011
17 [THIS CHAPTER] is guilty of a class B misdemeanor. A person who
18 violates another provision of this chapter is guilty of a violation
19 punishable under AS 12.

20 (b) Criminal prosecution for a violation of this chapter does
21 not preclude the Department of Commerce and Economic Development or
22 the Department of Labor from seeking available civil remedies.

23 * Sec. 10. AS 08.18.171 is amended by adding a new paragraph to read:

24 (4) "department" means the Department of Commerce and
25 Economic Development, unless the context indicates otherwise.

26 * Sec. 11. Sections 1, 2 and 4 - 10 of this Act take effect July 1,
27 1985.

28 * Sec. 12. Section 3 of this Act takes effect July 1, 1986.

29 * Sec. 13. Section 4 of this Act applies to general contractor and

1 specialty contractor licenses that are issued or renewed by the Department
2 of Commerce and Economic Development after July 1, 1985.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/18/85

Date 5-1-85

Mr. President

The Committee on JUDICIARY considered CSHB 168(L&C)
construction contractors; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 168 (Judiciary)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING

DO PASS

Kirk Halford
Ziegler
Tim Kelly

MEMBERS HAVING

OTHER RECOMMENDATIONS

Tim Kelly
 Chairman

DO PASS
 Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

3/26/85

Date 17 April 85

Mr. President

The Committee on LABOR & COMMERCE considered CSHB 168 (L&C)
construction contractors; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt 5 CS for CSHB 168 (L&C)
- new title
- ~~same text~~ and recommends Adopting House Letter of Intent
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING

DO PASS

1 [Signature]

MEMBERS HAVING

OTHER RECOMMENDATIONS

1 [Signature] No Rec
2 [Signature] No Rec

1 [Signature]
Chairman
Do Pass
Chairman recommendation