

HB

480

Co-Chair  
Health, Education and  
Social Services Committee

Resources Committee

Legislative Budget and Audit

Special Committee  
on Oil and Gas

# Alaska State Legislature



Representative Patrick J. Carney

During Session:  
State Capitol  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-2186

During Interim:  
P.O. Box 87-1746  
Wasilla, Alaska 99687  
(907) 373-2518

## HOUSE BILL 480

### *An Act relating to the bonding of hearing aid dealers*

Under current statute, an employee of a hearing aid dealer is required to file a \$5,000 surety bond as a condition of licensure. This requirement can be cumbersome and costly for dealers with more than one or two employees.

House Bill 480 would amend AS 08.55.030(a) to allow the dealer the option of filing a company bond in the amount of \$10,000 to cover all the dealer's employees. Employees of the hearing aid dealer would not be required to file an individual bond.

The bill adds a section providing that the dealer would be held liable in the event of negligence by an employee.

The Department of Commerce and Economic Development supports this legislation.

*Sponsor Statement*

HB 480: An Act relating to the bonding of hearing aid dealers.

HB 480 would remove the requirement for individual employees of a hearing aid dealer to be bonded. It would also increase the amount of bonding for the dealer to increase from \$5,000 to \$10,000 if the dealer has employees.

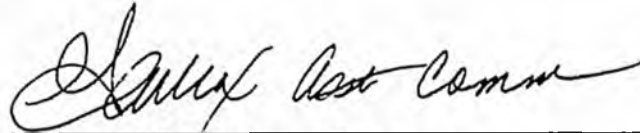
The department supports these changes. It also would recommend the following amendments:

AS 08.55.030(a)(2) . . . amounts that may be adjudged against the applicant or his or her employees . . . .

AS 08.55.150(a) Unless a person is licensed or is the employee of a licensee under this Chapter or AS 08.11, the person may not . . .

We would recommend exempting employees from licensure entirely. If the employer is made responsible as outlined above, there would likely be a greater screening process during the hiring phase. This would eliminate multiple licensing files per business.

We would suggest some wording that the bond be maintained in the amount of \$10,000 so that the amount is not exhausted by claims during the license period.



Glenn A. Olds, Commissioner

Date: 3.24.92

GAO/AB/sh1692D  
032092a

Commerce Position

1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development  
 Title: An Act relating to the bonding of hearing aid dealers. BRU: Occupational Licensing  
 Component: Administration  
 Sponsor: Rep. Carney  
 Requestor: House HES COMPONENT SERIAL NO. 

0	3	5	6
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The bill exempts employees of a hearing aid dealer from the bonding requirement; however, it increases the bond from \$5,000 to \$10,000 for hearing aid dealers with employees. New funds are not required to implement this bill.

Prepared By: Jennifer Strickler Phone: 465-2144  
 Division: Occupational Licensing Date: 03/23/92  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Commerce & Economic Development Date: 3-24-92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# HOUSE COMMITTEE REPORT

7)

Date Referred: February 18, 1992

FURTHER REFERRALS:

Labor & Commerce

Date of Committee Action: 3/26/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 480

HOUSE BILL NO. 480

BONDING FOR HEARING AID DEALERS

An Act relating to the bonding of hearing aid dealers."

**RECOMMENDATIONS:**

be replaced with CS HB 480 (HES)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Commerce

zero fiscal note(s) \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	<u>OTHER RECOMMENDATIONS</u>	DNP	NR	AM
<i>Deonjane Lind</i>	✓				
<i>Mary Miller</i>	✓				
<i>Betty Davis</i>	✓				
<i>J. E. Gonzalez</i>	✓				
<i>Chris Davis</i>	✓				
<i>Patricia Ann Carney</i>	✓				

*Deonjane Lind*  
 CO-CHAIRMAN'S SIGNATURE

7-LS1987D

Bannister

3/25/92

## CS FOR HOUSE BILL NO. 480 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE CARNEY

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the bonding of hearing aid dealers."

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

3 \* Section 1. AS 08.55.030(a) is amended to read:

4 (a) Except as otherwise provided in this section, an [AN] applicant for a license under  
5 AS 08.55.010 shall at the time of applying for the license file with the department a surety bond  
6 in the amount of \$5,000 running to the state and conditioned on the applicant's promise to pay  
7 all

8 (1) taxes and contributions due the state and political subdivisions of the state;

9 (2) amounts that may be adjudged against the applicant by reason of negligently

10 or improperly dealing in hearing aids or breaching a contract when dealing in hearing aids.

11 \* Sec. 2. AS 08.55.030(c) is amended to read:

12 (c) The bond in the amount required by this section remains in effect until cancelled by  
13 action of the surety, the principal, or the department. A person may not commence an action on  
14 the bond later than three years after cancellation of the bond.

1 \* Sec. 3. AS 08.55.030 is amended by adding new subsections to read:

2 (d) An applicant for a license under this section who is an employee of a hearing aid  
3 dealer, acts as a hearing aid dealer in the employment, and does not act as a hearing aid dealer  
4 outside the employment, is not required to file the bond required by (a) of this section if the  
5 employer files with the department a surety bond in the amount of \$10,000 that covers the  
6 employees of the hearing aid dealer, runs to the state, and is conditioned on the employer's  
7 promise to pay all

8 (1) taxes and contributions due the state and political subdivisions of the state;

9 (2) amounts that may be adjudged against the employer or the employees by  
10 reason of the employees negligently or improperly dealing in hearing aids or breaching a contract  
11 when dealing in hearing aids.

12 (e) The bond under (d) of this section may be used to satisfy the bonding requirement  
13 for the employer under (a) of this section if the bond is also conditioned on the employer's  
14 promise to pay all amounts that may be adjudged against the employer by reason of the employer  
15 negligently or improperly dealing in hearing aids or breaching a contract when dealing in hearing  
16 aids.

(6) "compensation" means payment for services including wages or other remuneration but not including reimbursement for actual expenses incurred;

(7) "department" means the Department of Commerce and Economic Development;

(8) "field" means an area outside of established year-round dwellings, businesses, or other developments usually associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports;

(9) "game management unit" means one of the 26 geographic areas defined by the Board of Game for game management purposes;

(10) "guide-outfit" means to provide, for compensation or with the intent or with an agreement to receive compensation, big game commercial hunting services in the field; "guide-outfit" includes accompanying or being present with a big game hunter in the field either personally or through an assistant; "guide-outfit" does not include the provision of transportation to, from, or in the field if the person providing the transportation and the person being transported do not stalk, pursue, track, kill, or attempt to kill big game during the provision of transportation;

(11) "hunting club" means an organization that offers use of property or services to individuals who pay a membership fee for the privilege of using the property or services for hunting;

(12) "spike camp" means a camp in the field other than a base camp and includes a fly camp or an overnight camp;

(13) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between state or federally maintained airports; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental, as defined by the board, portion of its business;

(14) "unethical activity" means

(A) deception or misrepresentation involving prospective or actual clients either before, during, or following the provision of big game commercial services, including misrepresentations through private or public advertising of the type, duration, cost, or conditions of the services;

(B) making a guaranty that a species or certain number of species of game will be taken on a hunt;

(C) engaging in unsafe or unsportsmanlike activities that are detrimental to the game resources of the state, as defined by regulations of the board, including violations of state hunting or big game commercial services statutes or regulations; or

(D) accepting a deposit for big game commercial services without providing before the services are rendered a signed written contract to provide the services. (§ 3 ch 37 SLA 1989)

### Chapter 55. Hearing Aid Dealers.

Section	Section
10. Qualifications for license	110. Cancellation option
20. Renewal of license	120. Testing of hearing
30. Bond required	130. Grounds for imposition of disciplinary sanctions
40. Fees	140. Disciplinary sanctions
50. Items to be provided by hearing aid dealer	150. Prohibited acts
60. Prior medical evaluation	160. Penalty
70. Transmittal of hearing aid by mail	170. Notice of place of business
80. Complaints	180. Procedures
100. Calibration requirements	200. Definitions

Cross references. — For legislative findings and purpose related to this chapter, see § 1, ch. 131, SLA 1986, in the Temporary and Special Acts.

**Sec. 08.55.010. Qualifications for license.** (a) The department shall issue a license to act as a hearing aid dealer to an individual who

- (1) is 18 years of age or older;
- (2) applies on a form provided by the department;
- (3) has a high school diploma or the equivalent;
- (4) has a business license issued under AS 43.70.020;
- (5) furnishes evidence satisfactory to the department that the individual has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.55.130;
- (6) submits with the application a statement disclosing whether the applicant

(A) has, during the five-year period immediately preceding the date of the application been convicted of a felony, or had a final judgment entered against the applicant in a civil action, if the felony or civil action involved fraud, embezzlement, or misappropriation of property;

(B) is subject to an injunctive order that is currently in effect from a pending proceeding or action brought by a public agency;

(C) is a defendant in a pending criminal or civil action relating to fraud, embezzlement, misappropriation of property, or the antitrust or trade regulation laws of the United States or a state;

(D) has, during the five-year period immediately preceding the date of the application, been reorganized, had a debt adjustment, or has

been adjudicated a bankrupt under bankruptcy proceedings due to insolvency or was a principal executive officer or general partner of a business that has been reorganized, had a debt adjustment, or has been adjudicated a bankrupt due to insolvency during the five-year period;

(7) furnishes a description of each item in (6) of this subsection that the applicant disclosed as being applicable to the applicant.

(b) An individual who is a physician or an audiologist may deal in hearing aids without being licensed under this chapter, but shall comply with AS 08.55.050, 08.55.070, 08.55.100, 08.55.110(a), 08.55.110(b)(3) and (c) — (h), and 08.55.130(7) — (13) when dealing in hearing aids.

(c) If an individual licensed under this chapter has more than one place of business, the department shall, on request and payment of a fee, issue a duplicate license for each place of business of the individual. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.020. Renewal of license.** (a) *[Repealed, § 49 ch 94 SLA 1987.]*

(b) On or before the expiration of a license under this chapter, a licensee may apply for renewal of the license, and the department shall renew the license if the licensee pays the renewal fee, has a current business license to act as a hearing aid dealer under AS 43.70.020, and provides evidence satisfactory to the department that the individual has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.55.130.

(c) *[Repealed, § 49 ch 94 SLA 1987.]*

(d) The department may reinstate a lapsed license under (b) of this section if the license has not lapsed for more than two years and if the person pays a delinquency fee in addition to the renewal fee. (§ 8 ch 131 SLA 1986; am §§ 34, 49 ch 94 SLA 1987)

**Cross references.** — For license duration and further provisions relating to renewal, see AS 08.01.100.

**Effect of amendments.** — The 1987 amendment deleted "one year after the is-

sunance of" following "expiration of" in subsection (b); and repealed subsections (a) and (c), concerning duration, renewal, and lapsing of licenses.

**Sec. 08.55.030. Bond required.** (a) An applicant for a license under AS 08.55.010 shall at the time of applying for the license file with the department a surety bond in the amount of \$5,000 running to the state and conditioned on the applicant's promise to pay all

(1) taxes and contributions due the state and political subdivisions of the state;

(2) amounts that may be adjudged against the applicant by reason of negligently or improperly dealing in hearing aids or breaching a contract when dealing in hearing aids.

(b) In lieu of the surety bond the applicant may file with the department a cash deposit or other negotiable security acceptable to the department in the amount specified for the bond.

(c) The bond required by this section remains in effect until cancelled by action of the surety, the principal, or the department. A person may not commence an action on the bond later than three years after cancellation of the bond. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.040. Fees.** The department shall set fees under AS 08.01.065 for each of the following:

- (1) application;
- (2) hearing aid dealer license;
- (3) renewal of license;
- (4) renewal delinquency;
- (5) duplicate license. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.050. Items to be provided by hearing aid dealer.** (a) A hearing aid dealer shall give the following items to a consumer at the time the consumer contracts with the hearing aid dealer to buy or lease a hearing aid:

- (1) an instructional brochure that contains operating instructions, purchase privileges, and performance data for the hearing aid;
- (2) a statement of the dealer's registration number;
- (3) a statement of the manufacturer's specifications, make, model, and serial number for the hearing aid;
- (4) a clear statement of the full terms of the contract; and
- (5) a written statement indicating that the consumer may file a written complaint about a hearing aid or a hearing aid dealer with the department and giving the mailing address and location address of the department.

(b) Before the sale of a used hearing aid, the hearing aid dealer shall clearly mark the receipt and the container for the hearing aid as "used" or "reconditioned," whichever is applicable, and with the terms of a guarantee that the dealer provides. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.060. Prior medical evaluation.** (a) A hearing aid dealer who is not a physician may not sell or lease a hearing aid unless the prospective user of the hearing aid presents to the hearing aid dealer a written statement signed by a physician stating that the physician has evaluated the prospective user's hearing and that the prospective user is a candidate for a hearing aid.

(b) The exam on which the physician bases the statement required in (a) of this section must have occurred within the six months immediately preceding the date when the prospective user presents the statement to the hearing aid dispenser.

(c) If the prospective user is 18 years of age or older, the hearing aid dealer may afford the prospective user an opportunity to waive in writing the evaluation required by (a) of this section if the hearing aid dealer

(1) informs the prospective user that the exercise of the waiver is not in the best interest of the prospective user's health;

(2) does not actively encourage the prospective user to waive the evaluation; and

(3) affords the prospective user the opportunity to sign the following statement:

I have been advised by (HEARING AID DEALER'S NAME) that it would be in my best interest if I had a medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing or leasing a hearing aid.

(PROSPECTIVE USER'S SIGNATURE)

(d) The hearing aid dealer shall retain the evaluation statement of the physician, or the prospective user's signed waiver statement for four years after the date of the sale of the hearing aid. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.070. Transmittal of hearing aid by mail.** If a hearing aid dealer mails a hearing aid to a customer, the dealer shall send the hearing aid by certified mail. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.080. Complaints.** (a) A person may file a complaint with the department about a hearing aid or a hearing aid dealer within three years from the date of the cause of the complaint.

(b) A hearing aid dealer shall prominently display in the business establishment of the dealer a sign indicating that a person may file a complaint with the department about a hearing aid or a hearing aid dealer and giving the mailing and location address of the department. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.100. Calibration requirements.** A hearing aid dealer shall maintain in conformity with the standards set by the American National Standard Institute the calibration of each audiometer used by the hearing aid dispenser, and shall keep a record of the results of the annual calibration of each audiometer used by the dealer. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.110. Cancellation option.** (a) In addition to the cancellation allowed under AS 45.02.350, a person who has purchased or leased a hearing aid from a hearing aid dealer may cancel the sale or lease as provided under (b) of this section or by giving written notice of the intention to cancel the sale or lease to the dealer not later than 30 days following the later of (1) the date the person receives the hearing aid, or (2) the date the hearing aid dealer provides the person with the notice under (c) of this section. The person may use the notice received under (c) of this section to cancel the sale or lease by signing the form where indicated.

(b) In addition to the other rights and remedies the purchaser or lessee of a hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel the sale or lease by giving written notice of the cancellation to the hearing aid dealer if

(1) the hearing aid dealer is not a physician or an audiologist, and within 60 days from the receipt by the purchaser or lessee of the hearing aid or the notice to be provided under (c) of this section, whichever receipt is later, a physician or an audiologist advises the person in writing to cancel the sale or lease and specifies in writing the medical or audiological reason for the advice; or

(2) the hearing aid dealer, if not a physician or audiologist, has violated a provision of this chapter in the sale or lease of the hearing aid to the person;

(3) the hearing aid dealer who is a physician or audiologist has violated (a) or (c) — (h) of this section or AS 08.55.050, 08.55.070, 08.55.100, or 08.55.130(7) — (13) in the sale or lease of the hearing aid to the person.

(c) A hearing aid dealer shall give a person who has purchased or leased a hearing aid from the dealer notice of the right to cancel the purchase or lease that is substantially identical to the following form with all of the information filled in except the signature and date lines for the purchaser or lessee:

**NOTICE OF RIGHT TO CANCEL**

\_\_\_\_\_  
Name of Hearing Aid Dealer

\_\_\_\_\_  
Address of Hearing Aid Dealer

\_\_\_\_\_  
Date of Sale or Lease

You may cancel this transaction within 30 days from the date you receive the hearing aid or this notice, whichever is later.

You may also cancel this transaction within 60 days from the date you receive the hearing aid or this notice, whichever is later, if the hearing aid dealer is not a licensed physician or a licensed audiologist

and if a licensed physician or a licensed audiologist advises you in writing to cancel this transaction.

If you cancel this transaction, the property you traded in, the payments you made under the sale or lease (less certain costs allowed by state law) and any negotiable instrument executed by you will be returned within 20 days following receipt by the hearing aid dealer of your cancellation notice, and the hearing aid dealer will cancel any security interest arising out of the sale or lease.

If you cancel, you must make available to the hearing aid dealer, in as good a condition as when received, less normal wear and tear, the goods delivered to you under this sale or lease, unless the dealer notifies you to keep the goods or to hold them until the dealer collects them.

If the goods have been damaged, the hearing aid dealer may deduct from any refund due you the reasonable costs incurred in repairing the goods to make them suitable for resale. If the goods have been damaged beyond repair, you are liable for the full purchase price, even if you are just leasing the goods.

If you make the goods available for the hearing aid dealer to collect after your cancellation, and within 20 days of receiving your cancellation the hearing aid dealer does not collect them from you or provide you with instructions for returning the goods by mail, you may retain or dispose of the goods without further obligation to the hearing aid dealer. If you fail to make the goods available for the hearing aid dealer to collect after your cancellation, then the sale or lease is not cancelled and you remain liable for performance of the obligations of the sale or lease.

To cancel this transaction, mail (by certified mail, return receipt requested) or deliver a signed and dated copy of this notice or another written notice to (name of hearing aid dealer), at (address of hearing aid dealer's place of business) and (hearing aid dealer's telephone number) no later than midnight of (Date).

I hereby cancel this transaction.

(Date) \_\_\_\_\_

\_\_\_\_\_  
(Purchaser's or Lessee's signature)

I have read and understand the terms of cancellation of this purchase/lease.

\_\_\_\_\_  
Purchaser's or Lessee's signature

\_\_\_\_\_  
Date

(d) If a purchaser or lessee of a hearing aid cancels the purchase or lease under (a) or (b) of this section, the hearing aid dealer shall within 20 days of receipt of a notice of the cancellation

(1) refund to the purchaser or lessee all deposits, including the downpayment, less (A) 10 percent of the total purchase price for each 30 days that the purchaser or lessee had the hearing aid, to pay for the reasonable rental value of the hearing aid; (B) the reasonable price of ear molds or custom casings prepared for the purchaser or lessee; and (C) the reasonable costs actually incurred by the hearing aid dealer to make goods that were traded in by the purchaser or lessee ready for sale; the hearing aid dealer may retain the money allowed under this paragraph only up to the amount of a downpayment made by the purchaser or lessee;

(2) return to the purchaser or lessee all goods traded in to the hearing aid dealer as part of the sale or lease;

(3) return to the purchaser or lessee a negotiable instrument signed by the purchaser or lessee; and

(4) cancel a security interest taken by the hearing aid dealer for the purchase or lease.

(e) If the hearing aid returned by the purchaser or lessee has been damaged, the hearing aid dealer may deduct from any refund due the purchaser or lessee the reasonable costs incurred in repairs necessary to make the hearing aid suitable for resale. If the hearing aid is damaged beyond repair, the purchaser or lessee is liable for the full purchase price.

(f) The purchaser or lessee may retain or dispose of the hearing aid if within 20 days of receipt of the notice of cancellation, the hearing aid dealer fails

(1) to collect the hearing aid from the purchaser or lessee; or

(2) to provide the purchaser or lessee with instructions for returning the hearing aid by mail.

(g) If a purchaser or lessee of a hearing aid fails to make the hearing aid available for the hearing aid dealer to collect, the purchaser or lessee remains liable for the purchase or lease.

(h) To give written notice under this section, a person shall deliver the notice to the hearing aid dealer in person or to the place of business of the dealer, or mail the notice to the place of business of the dealer by certified mail, return receipt requested. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.120. Testing of hearing.** (a) A hearing aid dealer may take threshold measurements to determine the need for a hearing aid, but may not perform diagnostic procedures to determine the cause of a hearing impairment or charge a fee for a hearing measurement.

(b) A hearing aid dealer shall include in every printed advertisement for the services of the dealer the following statement bordered in black:

Alaska law permits a hearing aid dealer who is not a licensed physician or a licensed audiologist to test hearing only for the

purpose of selling or leasing hearing aids; the tests given by a hearing aid dealer are not to be used to diagnose the cause of a hearing impairment. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.130. Grounds for imposition of disciplinary sanctions.** After a hearing, the department may impose a disciplinary sanction on an individual licensed under this chapter when the department finds that the person

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the individual's ability to continue to practice competently and safely;
- (5) failed to comply with a provision of this chapter or a regulation adopted under this chapter, or an order of the department;
- (6) continued to practice after becoming unfit due to
  - (A) professional incompetence;
  - (B) addiction to or severe dependency on alcohol or another drug that impairs the individual's ability to practice safely;
  - (C) physical or mental disability;
- (7) employed a person who did not have a valid current license to deal in hearing aids to perform work covered by this chapter;
- (8) failed or refused to honor a representation, promise, agreement or warranty made by the person while dealing in hearing aids;
- (9) advertised a model, type, or kind of hearing aid for sale that the person does not sell;
- (10) failed to maintain a business address and telephone number at which the individual could normally be reached during regular business hours;
- (11) included in a contract or receipt for the purchase or lease of a hearing aid a confession of judgment or a waiver of a right of the consumer under this chapter;
- (12) used undue influence, coercion, or other wilful act or representation to interfere with the exercise by the consumer of the rights provided in this chapter;
- (13) negotiated, transferred, sold, or assigned a note or other evidence of indebtedness to a finance company or other third party within two months of delivering a hearing aid to a purchaser or lessee of the hearing aid by mail or in person;
- (14) permitted another person to use the licensee's license;
- (15) dealt in hearing aids while suffering from a serious disease that was contagious or infectious. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.140. Disciplinary sanctions.** (a) When it finds that a licensee has committed an act listed in AS 08.55.130, the department may impose the following sanctions singly or in combination:

- (1) permanently revoke a license to practice;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) place a licensee on probationary status and require the licensee to
  - (A) report regularly to the department on matters involving the basis of probation;
  - (B) limit practice to those areas prescribed;
  - (C) continue professional education until a satisfactory degree of skill has been attained in those areas determined by the department to need improvement;
  - (6) impose limitations or conditions on the practice of a licensee.
    - (b) The department may withdraw a limitation, condition, or probationary status if it finds that the deficiency that required the sanction has been remedied.
    - (c) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public welfare and safety if the licensee continues to practice. A person whose license is suspended under this subsection is entitled to a hearing by the department no later than seven days after the effective date of the order. The person may appeal the suspension after the hearing to the superior court.
    - (d) The department may reinstate a license that has been suspended or revoked if the department finds after a hearing that the applicant is able to deal in hearing aids with reasonable skill and safety. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.150. Prohibited acts.** (a) Unless a person is licensed under this chapter or AS 08.11, the person may not

- (1) deal in hearing aids;
- (2) use a title indicating or representing that the person deals in hearing aids or is licensed to deal in hearing aids;
- (3) advertise that the person deals in hearing aids.
  - (b) A person may not
    - (1) sell, barter, or offer to sell or barter a license issued under this chapter;
    - (2) purchase or obtain by barter a license issued under this chapter with the intent to use it as evidence of the holder's qualification to deal in hearing aids;
    - (3) materially alter a license issued under this chapter with fraudulent intent;

(4) use or attempt to use as valid a license to deal in hearing aids that has been purchased, fraudulently obtained, counterfeited, or materially altered. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.160. Penalty.** A person who violates AS 08.55.150 is guilty of a class B misdemeanor. (§ 8 ch 131 SLA 1986)

**Cross references.** — For sentences for misdemeanors, see AS 12.55.035 and 12.55.135.

**Sec. 08.55.170. Notice of place of business.** A person who holds a license under this chapter shall notify the department in writing of the regular address of the place or places where the person deals or intends to deal in hearing aids. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.180. Procedures.** The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter. (§ 8 ch 131 SLA 1986)

**Sec. 08.55.200. Definitions.** In this chapter

(1) "audiologist" means an individual licensed as an audiologist under AS 08.11;

(2) "dealing in hearing aids" means the sale or lease, or attempted sale or lease of hearing aids, and the recommendation, selection, fitting, or adaptation of hearing aids;

(3) "department" means the Department of Commerce and Economic Development;

(4) "hearing aid" means a prosthetic instrument or device designed for or represented as aiding, improving, or correcting defective human hearing and the parts, attachments, or accessories of the instrument or device; "hearing aid" does not include cochlear implants, middle-ear implants, vibro-tactile speech-reading aids, other aids for cued speech, or group or individual auditory training units and assistive devices;

(5) "hearing aid dealer" means an individual licensed under AS 08.55.010;

(6) "physician" means a person licensed as a physician under AS 08.64. (§ 8 ch 131 SLA 1986)

## Chapter 56. Hotels and Boardinghouses.

### Section

- 10. Registration of travelers
- 20. Effect of refusal to register
- 30. Penalty for noncompliance
- 40. Disposition of fines

### Section

- 50. Liability for valuables
- 60. Baggage liability
- 70. Definitions

**Cross references.** — For hotel or boardinghouse operator's lien, see AS 34.35.510 — 34.35.530.

**Collateral references.** — 40 Am. Jur. 2d, Hotels, Motels and Restaurants, §§ 28-48.

43A C.J.S., Inns, Hotels, and Eating Places, §§ 4-10.

What constitutes a hotel or inn. 19 ALR 517; 53 ALR 988.

Maintenance or regulation by public authorities of tourist or motor camps, courts or motels. 22 ALR2d 774.

**Sec. 08.56.010. Registration of travelers.** The proprietors of roadhouses, hotels, or boardinghouses located outside of incorporated cities shall each keep a register containing the name and address of each guest with the date of arrival and departure. (§ 35-2-161 ACLA 1949)

**Sec. 08.56.020. Effect of refusal to register.** A person who refuses to register may not be accepted as a guest or given accommodations. (§ 35-2-161 ACLA 1949)

**Sec. 08.56.030. Penalty for noncompliance.** The proprietor of a roadhouse, hotel, or boardinghouse who fails to comply with this chapter is punishable by a fine of not less than \$10 or more than \$25, or by imprisonment for not more than 10 days, or by both. (§ 35-2-162 ACLA 1949)

**Sec. 08.56.040. Disposition of fines.** All fines collected under this chapter shall be deposited in the general fund. (§ 35-2-162 ACLA 1949)

**Sec. 08.56.050. Liability for valuables.** (a) When the operator of a hotel or boardinghouse provides a safe or vault in which guests may deposit valuable property for safekeeping and notice of this fact is posted in three or more conspicuous places in the hotel or boardinghouse, the operator is not liable for the loss, damage, or destruction of property not deposited by a guest in the safe or vault.

(b) An operator of a hotel or boardinghouse is not obligated to receive property on deposit for safekeeping as provided in (a) of this section that exceeds \$1,000 in value. If property exceeding \$1,000 in value is deposited in the hotel or boardinghouse safe or vault, the