



# LAWS OF ALASKA

1977

Source

SCS CSHB 185 am S

Chapter No.

114

## AN ACT

Regulating concert promoters.

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

\* Section 1. AS 08 is amended by adding a new chapter to read:

#### CHAPTER 92. CONCERT PROMOTERS.

Sec. 08.92.010. REGISTRATION REQUIRED. No person may engage in the business of promoting concerts in this state without first obtaining and holding a current and valid promoter's certificate of registration issued by the department. To remain valid, a certificate of registration must be renewed on or before a date set by the department.

Sec. 08.92.020. FEES. (a) An applicant for a promoter's certificate of registration shall pay an original registration fee of \$75.

(b) The fee for the renewal of a registration certificate for each calendar year is \$20.

Sec. 08.92.030. BOND OR CASH DEPOSIT REQUIRED. A promoter of concerts shall, at the time of applying for a certificate of registration, file with the department a surety bond or an equivalent cash deposit in the amount of \$5,000. As an alternative to the bond or cash deposit, a promoter may deposit in a trust account in a bank, savings and loan association, or licensed escrow agent, 50 per cent of the advance ticket receipts accumulated for each concert promoted, and provide the department with the number and location of the trust or escrow account. The bond, cash deposit, or account shall be conditioned upon the promoter providing ticket refunds within 10 days after the scheduled

date of a concert which is cancelled due to any cause. The state, on behalf of a ticket holder, or a ticket holder directly, may bring an action on the bond, cash deposit, or account.

Sec. 08.92.035. REFUND CAPTION REQUIRED. Tickets for concerts subject to the provisions of this chapter shall be printed with the name and business address of the promoter and the following caption:

"In the event of concert cancellation, refunds will be available at the above location between the hours of 9:00 a.m. and 5:00 p.m. for a period of 10 days after the scheduled date of the concert."

Sec. 08.92.040. DENIAL, REVOCATION, AND SUSPENSION OF REGISTRATION. (a) The department may refuse to issue, or may suspend or revoke, a certificate of registration for failure to comply with a provision of this chapter or of a regulation adopted under it. If a bonding company cancels the bond of a promoter, the promoter's certificate of registration shall be revoked. A promoter whose certificate has been revoked may again obtain registration by complying with the requirements of this chapter.

(b) Proceedings under this chapter are governed by the Administrative Procedure Act (AS 44.62).

(c) If the department determines that a person is acting as a promoter in violation of this chapter, the department may order the person to stop the violation. Upon receipt of the order, the person affected has the right to be heard and to present proof to the department that the violation has not occurred. In the department's discretion or upon application made by the recipient of the order, the department shall schedule a hearing at the earliest possible time. After the hearing the department may affirm, modify, or set aside the order.

Sec. 08.92.050. INJUNCTION. The attorney general may institute an action in the superior court to enjoin a violation of this chapter.

Sec. 08.92.060. VIOLATIONS. (a) A person who violates sec. 10 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both.

(b) Retention of ticket receipts after the 10th day following the scheduled date of a concert that has been cancelled is presumed to be fraud against ticket purchasers. A promoter who fails to refund the purchase price of a ticket to a concert which has been cancelled and retains the ticket receipts after the 10th day following the scheduled concert that has been cancelled is guilty of

(1) a misdemeanor, if ticket receipts retained are \$1,000 or less, and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both;

(2) a felony, if ticket receipts retained are

more than \$1,000, and upon conviction is punishable by a fine of not more than \$10,000, or by imprisonment for not more than five years, or by both.

Sec. 08.92.070. EXEMPTION. The provisions of this chapter do not apply to concerts promoted, organized or produced

(1) by a nonprofit corporation, society or group which has qualified for nonprofit status under sec. 501-(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3));

(2) by a promoter for presentation within a municipality having a population of less than 10,000 persons.

Sec. 08.92.080. REGULATIONS. The department may adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) as necessary to administer and enforce this chapter.

Sec. 08.92.090. DEFINITIONS. In this chapter

(1) "concert" means a live, staged musical performance, comedy act, or other specialty act featuring any number of performers for which a ticket is sold in advance for purposes of profit by a concert promoter; the term does not include dramatic performances;

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

(3) "promoter" means a person who contracts for and arranges a concert for purposes of profit whether engaged full time or part time in the business of booking or hiring concerts.