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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** April 14, 2021

**RE:** Filed Permanent Regulations: Department of Commerce, Community, and Economic Development

Department of Commerce, Community, and Economic Development regulations re:  
general occupational licensing functions (12 AAC 02.010; 12 AAC 02.102; 12 AAC  
02.155; 12 AAC 02.255; 12 AAC 02.915; 12 AAC 02.965)

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Attorney General File:	2020200734
Regulation Filed:	4/14/2021
Effective Date:	5/14/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, Regulations Specialist

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF COMMERCE,  
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached ten pages of regulations, dealing with general occupational licensing functions including temporary licenses for military personnel, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 08.01.050, AS 08.01.060, AS 08.01.062, AS 08.01.063, AS 08.01.064, AS 08.01.065, AS 08.01.080, AS 08.01.087, AS 08.01.100, AS 08.95.030, AS 08.95.110, AS 08.95.120, AS 08.95.125, and AS 25.27.244, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE:

Juneau, Alaska

**Sara Chambers**

Digitally signed by Sara  
Chambers

Date: 2021.04.06 13:44:13 -08'00'

Sara Chambers, Director  
Division of Corporations, Business and  
Professional Licensing

*April Simpson, for*  
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 14, 2021 at 12:18 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

*for April Simpson*  
\_\_\_\_\_  
Kevin Meyer, Lieutenant Governor

Effective: May 14, 2021

Register: 238, July 2021

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800  
Juneau, Alaska 99811-0800  
Main: 907.465.2500  
Toll free fax: 907.465.2500

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Alcohol and Marijuana Control Office (AMCO), but for the Division of Corporations, Business and Professional Licensing (CBPL), under the Alaska Administrative Procedure Act, is hereby delegated to:

Sara Chambers  
Division Director  
Division of Corporations, Business and Professional Licensing  
DCCED  
P.O. Box 110806  
Juneau, AK 99811-0806  
907-465-2536  
[sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Alcohol and Marijuana Control Office, under the Alaska Administrative Procedure Act, is hereby delegated to:

Amy Demboski  
Assistant Commissioner  
DCCED  
550 West Seventh Avenue, Suite 1535  
Anchorage, AK 99501  
907-269-8100  
[amy.demboski@alaska.gov](mailto:amy.demboski@alaska.gov)

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 30<sup>th</sup> day of October 2019

A handwritten signature in blue ink, appearing to read "Julie Anderson".

Julie Anderson  
Commissioner  
Department of Commerce, Community,  
and Economic Development

12 AAC 02.010(b) is amended to read:

(b) **Except as provided in (f) of this section, the** [THE] department will not issue [A LICENSE] or renew a license unless the applicable fees established in AS 08 or [IN] this chapter have been collected.

12 AAC 02.010 is amended by adding new subsections to read:

(f) Except as otherwise provided in this title, and notwithstanding (b) of this section, an applicant for an initial license may enter into an agreement with the department to establish a payment plan for the total amount of the initial license fee. The department will not establish a payment plan that runs past the end of the initial biennial licensing period, and will require in the plan that the licensee pay the total amount of the initial license fee as a condition for renewal of the license. If the applicant fails to submit a payment required under the agreement,

(1) the department may issue a cease and desist order under AS 08.40.175 or 08.40.360; or

(2) that individual may be subject to disciplinary action under applicable provisions of AS 08 and this title, including suspension or revocation of the license.

(g) An applicant whose license application has been approved pending receipt of the license fee must submit the license fee to the department not later than 12 months after being notified that the license application was approved. Except as provided in (f) of this section, an applicant who does not submit the license fee to the department during the 12-month period must reapply for licensure. (Eff. 10/2/81, Register 80; am 12/5/84, Register 92; am 3/6/86, Register 97; am 5/4/90, Register 114; am 2/13/94, Register 129; am 12/28/97, Register 144; am

5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.065 AS 08.01.100

AS 08.01.060 AS 08.01.080

12 AAC 02.102(a) is amended to read:

**12 AAC 02.102. Fees for a temporary license issued under [AS 14.43.148 OR]**

**AS 25.27.244; waivers; refunds.** (a) When the division issues a temporary license under [AS 14.43.148 OR] AS 25.27.244, the division will collect the annual or biennial license fee for the trade or profession for which the temporary license is issued, subject to the refund and waiver provisions set out in this section. The temporary license fee is the amount paid to the division under this section from the annual or biennial license fee that is not refunded or waived under this section.

12 AAC 02.102(b) is repealed:

(b) Repealed 5 / 14 / 2021.

12 AAC 02.102(c)(1) is amended to read:

(1) issued a release by the child support services agency and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under [AS 05.10,] AS 08 [,] or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

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12 AAC 02.102(c)(2)(B) is amended to read:

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under [AS 05.10.090,] AS 08 [,] or this chapter, except as required by law.

12 AAC 02.102(d)(1) is amended to read:

(1) [AS 05.10.120 OR] this chapter for a licensing category included under the trades and professions listed in AS 08.01.010; and

(Eff. 11/20/96, Register 140; am 9/11/97, Register 143; am 12/2/99, Register 152; am

5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 [AS 14.43.148] AS 25.27.244  
AS 08.01.065

12 AAC 02.105(16) is amended to read:

(16) examination review fee, \$50; [.]

12 AAC 02.105 is amended by adding new paragraphs to read:

(17) temporary license application fee, \$100;

(18) fee for a temporary license issued under AS 08.01.063 or 08.01.064, \$100.

(Eff. 9/27/86, Register 99; am 11/20/86, Register 100; am 4/3/88, Register 105; am 5/28/93, Register 126; am 2/13/94, Register 129; am 12/28/97, Register 144; am 11/27/98, Register 148; am 6/13/2002, Register 162; am 3/25/2004, Register 169; am 5 / 14 / 2021, Register 238)

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**Authority:** AS 08.01.062 AS 08.01.065 AS 08.01.100

12 AAC 02.155(b) is repealed:

(b) Repealed 5 / 14 / 2021.

(Eff. 5/4/90, Register 114; am 5/28/93, Register 126; am 4/20/96, Register 138; am 4/11/98, Register 146; am 5/5/99, Register 150; am 10/28/2000, Register 156; am 8/12/2001, Register 159; am 6/13/2002, Register 162; am 6/1/2006, Register 178; am 6/11/2010, Register 194; am 5/18/2014, Register 210; am 4/24/2016, Register 218; am 5/26/2018, Register 226; am 11/30/2020, Register 237; am 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.065 AS 08.95.110 AS 08.95.125  
AS 08.95.030 AS 08.95.120

12 AAC 02.255 is repealed:

**12 AAC 02.255. Mobile home dealers.** (Eff. 8/2/97, Register 143; repealed 5 / 14 / 2021, Register 238)

12 AAC 02 is amended by adding a new section to read:

**12 AAC 02.915. Application form and verifications for licensure.** (a) Except as otherwise provided in this title for a board, commission, or occupation, if upon receipt by the division of the last document required to complete an application file, the file contains an application form, authorization for release of records form, or verification that is older than 12 months from the date the document was received by the division, the document will be



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considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the division or a licensing board.

(b) In this section,

(1) "application form" means an application for a license;

(2) "verification" means a verification of licensure from an appropriate licensing authority in

(A) a state or territory;

(B) a province or territory of Canada; or

(C) another country. (Eff. 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.080

12 AAC 02.930 is amended to read:

**12 AAC 02.930. Date of license lapse.** For the purposes of AS 08.01.100, if a person licensed by the department or by one of the boards or commissions under AS 08.01.010 was issued a temporary license under [AS 14.43.148 OR] AS 25.27.244 and the temporary license was not converted to an annual or biennial license under [AS 05.10, OR] AS 08 [,] or AS 46.03.375, the lapsed period begins from the date that the temporary license expired. (Eff. 12/2/99, Register 152; am 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

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12 AAC 02.935(a) is repealed:

(a) Repealed 5 / 14 / 2021.

(Eff. 9/29/2005, Register 175; am 5 / 14 / 2021 Register 238)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.955(c)(2) is amended to read:

(2) the **applicable fees** [FEE] established in 12 AAC 02.105 for a courtesy license;

(Eff. 12/28/97, Register 144; am 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.080 [AS 08.02.030]

**AS 08.01.062**

12 AAC 02 is amended by adding new sections to read:

**12 AAC 02.956. Temporary license for spouses of military personnel.** (a) The department will issue a temporary license to the spouse of an active duty member of the armed forces of the United States who meets the requirements of AS 08.01.063 and this section, authorizing the holder to practice a profession that is regulated by the department under AS 08.01.010 and this title.

(b) An applicant for a temporary license under this section must submit

- (1) a completed application, on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.105 for a temporary license;
- (3) a copy of the applicant's military dependent identification card and a copy of

the spouse's current active duty military orders showing assignment to a duty station in this state;

(4) verification of licensure from each jurisdiction where the applicant holds or has ever held a license to practice the profession for which the temporary license is requested, one of which must be a current license in good standing and meet the requirements of AS 08.01.063(a)(2); the verifications must meet the requirements of AS 08.01.063(a)(4) and (5); and

(5) if the profession for which the applicant is seeking a temporary license requires a criminal history background check, a completed fingerprint card and the fee required by the Department of Public Safety to obtain state and national criminal justice information required under AS 08.01.063(a)(3).

(c) The department will expedite the issuance of the license under this section as required by AS 08.01.063(b).

(d) A temporary license issued under this section is valid for 180 days, and may be extended for an additional 180-day period by applying on a form provided by the department and submitting the temporary license fee established in 12 AAC 02.105. (Eff. 5/14/2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.063 AS 08.01.065

**12 AAC 02.957. Temporary license for military personnel.** (a) The department will issue a temporary license to a member of the armed forces of the United States who meets the requirements of AS 08.01.064 and this section, authorizing the holder to practice a profession that is regulated by the department under AS 08.01.010 and this title.

(b) An applicant for a temporary license under this section must submit

(1) a completed application, on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.105 for a temporary license;

(3) verification of licensure from each jurisdiction where the applicant holds or has ever held a license to practice the profession for which the temporary license is requested; the verifications must meet the requirements of AS 08.01.063(a)(4) and (5);

(4) evidence satisfactory to the department of meeting the requirements of AS 08.01.064(b)(3) as follows:

(A) verification of a current license or certificate issued by another jurisdiction that provides proof of licensure during the time the applicant provided the practice in the area of the license or certificate while in the military, and proof that the applicant practiced the profession, as described in AS 08.01.064(b)(3)(A); or

(B) documentation of receiving education, training, or service as a member of the armed forces and being awarded a degree, diploma, or certificate by a branch of the armed forces of the United States or any state, that meets the requirements of AS 08.01.064(b)(3)(B); and

(5) if the profession for which the applicant is seeking a temporary license requires a criminal history background check, a completed fingerprint card and the fee required by the Department of Public Safety to obtain state and national criminal justice information required under AS 08.01.063(a)(3).

(c) The department will expedite the issuance of the license under this section for an applicant who is on active duty as required by AS 08.01.064(c).

(d) A temporary license issued under this section is valid for 180 days, and may be extended for an additional 180-day period by applying on a form provided by the department and submitting the temporary license fee established in 12 AAC 02.105. (Eff. 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.064 AS 08.01.065

12 AAC 02.960(e)(4) is amended to read:

(4) the dates of actual participation or successful completion; [AND]

12 AAC 02.960(e)(5) is amended to read:

(5) the name **and** [,] mailing address [AND SIGNATURE] of the instructor, sponsor, or other verifier; **and** [.]

12 AAC 02.960(e) is amended by adding a new paragraph to read:

(6) the Internet address of an online provider that can verify individual student attendance.

12 AAC 02.960 is amended by adding new subsections to read:

(k) If individual student attendance cannot be verified upon attempt by the department, the department will determine the continuing education credit to be invalid and will not award it.

(l) The department or applicable board will consider the licensee's failure to comply with the continuing education audit under this section as grounds for imposition of disciplinary

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sanctions to the extent allowed under AS 08 and this title. (Eff. 12/28/97, Register 144; am 9/29/2005, Register 175; am 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.087 AS 08.01.100  
AS 08.01.080

12 AAC 02.965(a) is amended to read:

(a) Except as otherwise provided in AS 08 or this title, a license issued under AS 08 will not be renewed or reinstated if the applicant for renewal or reinstatement has not earned the required number of continuing education credits during the concluding licensing period. With the appropriate board or department approval, an [THE] applicant for renewal or reinstatement of a lapsed license may earn the required number of credits after the expiration date of the license. Continuing education credits earned to reinstate or renew a lapsed [AN EXPIRED] license may not be used to satisfy the continuing education requirements for a future renewal or reinstatement. Credits submitted to satisfy the continuing education requirements under this section must be approved under AS 08 and this title by the department or the applicable board.

(Eff. 3/14/2001, Register 157; am 5 / 14 / 2021, Register 238)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100