

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

2ND CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
SENATE BILL 71

By: Shurden of the Senate

and

Leist of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to counties; amending 19 O.S. 1991, Sections 1602 and 1610, which relate to Transient Merchant Licensing Act; modifying definition; providing for fine for violation of Transient Merchant Licensing Act; authorizing the county purchasing agent the authority to develop, implement and promote certain policies and procedures and providing for exception; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 19 O.S. 1991, Section 1602, is amended to read as follows:

Section 1602. As used in the Transient Merchant Licensing Act:

1. "Transient merchant" means any person, firm, corporation, partnership, or other entity which engages in, does or transacts any temporary or transient business in this state, either in one locality or in traveling from place to place in this state, offering for sale or selling goods, wares, merchandise, or services, and includes those merchants who, for the purpose of carrying on such business, hire, lease, use, or occupy any building, structure, motor vehicle, railroad car, or real estate.

2. "Temporary or transient business" means any business or home improvement service; siding, roofing or resurfacing services conducted for the sale or offer for sale of goods, wares, or merchandise which is carried on in any building, structure, motor

vehicle, mobile home, travel trailer, railroad car, or real estate for a period of less than ~~six (6) months in each year~~ two (2) years.

3. "Person" means any individual, corporation, partnership, association, or other legal entity.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 1610, is amended to read as follows:

Section 1610. Any person or entity that transacts a transient business as defined pursuant to the provisions of the Transient Merchant Licensing Act without having first obtained a license in accordance with the provisions of the Transient Merchant Licensing Act or who knowingly advertises, offers for sale, or sells any goods, wares, merchandise, or services in violation of the provisions of the Transient Merchant Licensing Act shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1500.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided by Section 1500 et seq. of Title 19 of the Oklahoma Statutes, the county purchasing agent shall have the authority to develop, implement and promote policies and procedures that allow the procurement of materials and equipment through contracts that are flexible, value based and are in the best interests of the state and its political subdivisions.

SECTION 4. This act shall become effective July 1, 1999.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.