

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2700

By: Mitchell

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 1602 and 1603, which relate to transient merchants; placing flea markets under the Transient Merchant Licensing Act; modifying definitions; removing flea markets from exempt status; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, 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 flea market, building, structure, motor vehicle, mobile home, travel trailer, railroad car, or real estate for a period of less than two (2) years~~;~~; and

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

SECTION 2. AMENDATORY 19 O.S. 2001, Section 1603, is amended to read as follows:

Section 1603. A. The provisions of the Transient Merchant Licensing Act shall not apply to:

1. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

2. Wholesale trade shows or conventions;

3. Sales of goods, wares, or merchandise by sample, catalog or brochure for future delivery;

4. Fairs and convention center activities conducted primarily for amusement or entertainment;

5. Any general sale, fair, auction, or bazaar sponsored by any church or religious organization;

6. Any sale sponsored by schools and universities or any charitable organization;

7. Trade fairs;

8. ~~Flea markets;~~

~~9.~~ Garage sales held on the premises devoted to residential use;

~~10.~~ 9. Sales of crafts or items made by hand and sold or offered for sale by the person making such crafts or handmade items;

~~11.~~ 10. Sales of agricultural products, including Christmas trees and firewood;

~~12.~~ 11. Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises;

~~13.~~ 12. Any person who maintains a permanent place of business in this state and has a registered agent therein upon whom process, notice, or demand permitted by law may be made;

~~14.~~ 13. Any person whose participation with a "transient merchant" or in the "temporary or transient business" is limited to

providing any building, structure, motor vehicle, railroad car or real estate;

~~15.~~ 14. Fireworks; or

~~16.~~ 15. Bibles.

B. A transient merchant not otherwise exempted from the provisions of the Transient Merchant Licensing Act shall not be relieved or exempted from the provisions of the Transient Merchant Licensing Act by reason of associating himself temporarily with any local dealer, auctioneer, trader, contractor, or merchant or by conducting such temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor, or merchant.

SECTION 3. This act shall become effective November 1, 2002.

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