

By: Senator(s) King

To: Business and Financial
Institutions

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2983

1 AN ACT TO AMEND SECTION 75-85-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE ALL TRANSIENT VENDORS TO NOTIFY IN WRITING THE SHERIFF IN
3 THE COUNTY OR THE CHIEF OF POLICE IN THE MUNICIPALITY IN WHICH
4 THEY ARE CONDUCTING BUSINESS; TO PROVIDE CRIMINAL PENALTIES FOR
5 KNOWINGLY OR INTENTIONALLY FAILING TO PROVIDE NOTICE; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 75-85-3, Mississippi Code of 1972, is
9 amended as follows:

10 75-85-3. (1) The provisions of this chapter shall not apply
11 to:

12 (a) Civic and nonprofit organizations or wholesale
13 sales to retail merchants by commercial travelers;

14 (b) Wholesale trade shows or conventions;

15 (c) Sales of goods, wares, services or merchandise by
16 sample, catalogue or brochure for future delivery;

17 (d) Fairs and convention center activities conducted
18 primarily for amusement or entertainment;

19 (e) Any general sale, fair, circus, auction or bazaar
20 sponsored by a church or religious organization;

21 (f) Garage sales held on premises devoted to
22 residential use;

23 (g) Sales or repairs of crafts or sales or repairs of
24 items made by hand by the person making the crafts or items;

25 (h) Duly licensed flea markets operating from a fixed
26 location;

27 (i) Sales of agricultural, dairy, poultry, seafood or
28 forest management products or services related to forest
29 management or silvicultural activities, nursery products, foliage

30 plants or ornamental trees, except such products or services sold
31 at retail and not grown or produced within Mississippi;

32 (j) Sales of agricultural services.

33 (2) A transient vendor not otherwise exempted from this
34 chapter is not exempted from this chapter because of a temporary
35 association with a local dealer, auctioneer, trader, contractor or
36 merchant, or by conducting the transient business in connection
37 with or in the name of any local dealer, auctioneer, trader,
38 contractor or merchant.

39 (3) (a) Notwithstanding subsection (1) of this section, any
40 transient vendor transacting business in a county or municipality
41 of this state shall notify in writing the sheriff of the county or
42 chief of police of the municipality in which he is transacting
43 business.

44 (b) Any transient vendor who knowingly or intentionally
45 fails to provide written notification to the sheriff or chief of
46 police as required by paragraph (a) shall, upon conviction, be
47 fined not more than One Hundred Dollars (\$100.00).

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2004.