

By: Senator(s) King

To: Business and Financial  
Institutions

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 COUNTY OR  
3 MUNICIPALITY IN WHICH HE IS CONDUCTING BUSINESS; TO PROVIDE  
4 CRIMINAL PENALTIES FOR KNOWINGLY OR INTENTIONALLY FAILING TO  
5 PROVIDE NOTICE; AND FOR RELATED PURPOSES.

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

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

9 75-85-3. (1) The provisions of this chapter shall not apply  
10 to:

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

13 (b) Wholesale trade shows or conventions;

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

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

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

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

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

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

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

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

31 (j) Sales of agricultural services.

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

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

42 (b) Any transient vendor who knowingly or intentionally  
43 fails to provide written notification to a county or municipality  
44 as required by paragraph (a) shall, upon conviction, be guilty of  
45 a misdemeanor and shall be fined not less than One Hundred Dollars  
46 (\$100.00) nor more than Five Hundred Dollars (\$500.00) for such  
47 violation.

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