

By: Representative Martinson

To: Ways and Means

HOUSE BILL NO. 367

1 AN ACT TO AMEND SECTION 75-85-3, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE PERSONS EXEMPT FROM THE TRANSIENT VENDOR LAW TO NOTIFY  
3 POLITICAL SUBDIVISIONS WHEN THEY INTEND TO TRANSACT BUSINESS; AND  
4 FOR RELATED PURPOSES.

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

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

8 75-85-3. (1) The provisions of this chapter shall not apply  
9 to:

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

12 (b) Wholesale trade shows or conventions;

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

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

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

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

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

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

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

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

30 (j) Sales of agricultural services.

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

37 (3) Notwithstanding the provisions of subsection (1) of this  
38 section, any person or entity exempt from the provisions of this  
39 chapter under subsection (1) of this section who transacts  
40 business in a county or municipality in this state shall notify,  
41 in writing, the county or municipality where the person or entity  
42 intends to transact business.

43 **SECTION 2.** This act shall take effect and be in force from  
44 and after July 1, 2006.