Article – Business Regulation

SUBTITLE 20A. TRANSIENT VENDORS

17–20A–01.

IN THIS SUBTITLE:

(1) "TRANSIENT VENDOR" MEANS A PERSON ~~WHO:~~

~~(I) BRINGS INTO THE STATE, BY MOTOR VEHICLE OR OTHER MEANS OF TRANSPORTATION, OR PURCHASES IN THE STATE, GOODS THE SALE OR USE OF WHICH IS SUBJECT TO THE SALES AND USE TAX;~~

~~(II) OFFERS OR INTENDS TO OFFER THE GOODS FOR SALE IN A RETAIL SALE IN THE STATE; AND~~

~~(III) DOES NOT MAINTAIN AN ESTABLISHED OFFICE, DISTRIBUTION HOUSE, SALES HOUSE, WAREHOUSE, SERVICE ENTERPRISE, RESIDENCE FROM WHICH BUSINESS IS CONDUCTED, OR OTHER PLACE OF BUSINESS IN THE STATE~~ WHO MAKES SALES SUBJECT TO THE SALES AND USE TAX IN THE STATE FROM A MOTOR VEHICLE OR FROM A ROADSIDE OR TEMPORARY LOCATION, EXCLUDING SALES FROM A LOCATION THAT THE VENDOR OWNS; AND

(2) "TRANSIENT VENDOR" DOES NOT INCLUDE:

(I) A PERSON WHOSE ONLY ACTIVITIES IN THE STATE ARE THE DELIVERY OF GOODS IN INTERSTATE COMMERCE INTO THE STATE FROM OUTSIDE THE STATE PURSUANT TO ORDERS THAT WERE SOLICITED OR PLACED BY MAIL OR OTHER MEANS;

(II) A PERSON WHO HAND CRAFTS ITEMS FOR SALE AT SPECIAL EVENTS, INCLUDING FAIRS, CARNIVALS, ART AND CRAFT SHOWS, AND OTHER FESTIVALS AND CELEBRATIONS IN THE STATE; ~~OR~~

(III) AN EXHIBITOR, WITHIN THE MEANING OF § 17–1801(D) OF THIS TITLE; OR

(IV) AN INDIVIDUAL WHO SELLS BY CATALOGUE, SAMPLE, OR BROCHURE FOR FUTURE DELIVERY AND WHO MAKES SALES TO THE OWNER OR LEGAL OCCUPANT OF THE PREMISES PURSUANT TO THE INVITATION OF THE OWNER OR LEGAL OCCUPANT OF THE PREMISES.

17–20A–02.

(A) (1) BEFORE CONDUCTING BUSINESS IN THE STATE, A TRANSIENT VENDOR SHALL OBTAIN A TRANSIENT VENDOR'S LICENSE.