

CHAPTER 329

HAWKERS, PEDDLERS, TRANSIENT MERCHANTS

329.099 Definition.
329.135 Prohibited sales.

329.14 Certain sales excepted.

329.099 DEFINITION.

The term "transient merchant" includes any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.

History: 1995 c 64 s 1

329.135 PROHIBITED SALES.

No transient merchant or seller at a flea market, except an authorized manufacturer's representative, shall offer for sale any of the following items:

- (1) infant formula or other food intended primarily for consumption by a child under the age of two years; and
- (2) over-the-counter drugs, medical devices, and cosmetics.

History: 1995 c 64 s 2

329.14 CERTAIN SALES EXCEPTED.

The provisions of sections 329.10 to 329.13 and 329.14 to 329.17 shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares, and merchandise by sample, catalog, or brochure, for future delivery, or to hawkers on the street, or to peddlers from vehicles, baskets, or packs carried on their backs, or to sheriffs, constables, or other public officers selling goods, wares, and merchandise according to law; nor to bona fide assignees or receivers appointed in this state selling goods, wares, and merchandise for the benefit of creditors, nor to persons who may sell or peddle the products of the farm or garden occupied and cultivated by themselves, nor to sales made by a seller at a residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.

History: 1995 c 64 s 3