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HOUSE BILL NO. 828

Offered January 26, 1998

A BILL to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 43, consisting of sections numbered 54.1-4300 through 54.1-4304, relating to the regulation of peddlers; penalties.

Patrons—Woodrum, Almand, Darner, Davies, Guest, Moran, Scott and Watts; Senators: Howell and Schrock

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 43, consisting of sections numbered 54.1-4300 through 54.1-4304, as follows:

CHAPTER 43.**PEDDLERS AND ITINERANT MERCHANTS.****§ 54.1-4300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Itinerant merchant" means a merchant, other than a merchant with an established retail store regularly open to the public, who transports an inventory of new merchandise to a building, vacant lot, specialty market or other location and who, at that location, displays the new merchandise for sale and sells or offers to sell the new merchandise at retail.

"New merchandise" means goods or products which are not used but are in a similar condition as the goods or products wholesaled by manufacturers or suppliers to established retail stores for first-time purchase by consumers. New merchandise shall not include (i) crafts or goods made by the seller or his own household or (ii) farm, dairy, seafood or nursery products.

"Peddler" means a natural person who travels from place to place with an inventory of new merchandise, sells or offers to sell the new merchandise at retail, and delivers the identical new merchandise he carries with him.

"Specialty market" means a location, other than an established retail store, where space is rented to others for the purpose of selling or offering to sell goods at retail.

§ 54.1-4301. Records to be kept.

Every peddler or itinerant merchant shall keep with him when displaying, selling or offering to sell new merchandise an accurate and legible record of his acquisition of the new merchandise. The records of such acquisition of the new merchandise shall be retained by the peddler or itinerant merchant for at least twenty-four months from such display, sale or offer for sale of the new merchandise and shall set forth the following:

1. A complete description of the new merchandise, including but not limited to product name, serial number, and quantity of the new merchandise;

2. The time, date, and place of the acquisition of the new merchandise;

3. The amount of money paid for the new merchandise; and

4. Evidence of the legitimate purchase of the new merchandise, including but not limited to a receipt or bill of lading and, if the new merchandise was purchased from an individual, (i) the full name, residence address, workplace, and home and work telephone numbers of the individual and (ii) verification of the identification of the individual by exhibition of a government-issued identification card such as a driver's license or military identification card. The records shall contain the type of identification exhibited by the individual, the issuing agency, and the number thereon.

§ 54.1-4302. Officer may examine records or property.

During the time that he is displaying, selling or offering for sale new merchandise, every peddler or itinerant merchant shall permit any law-enforcement officer of the local, state, or federal government to examine all records required by this chapter and to inspect any article listed in a record.

§ 54.1-4303. Penalties; first and subsequent offenses.

Any person convicted of violating any provisions of this chapter shall be guilty of a Class 3 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 2 misdemeanor.

§ 54.1-4304. Local ordinances.

Nothing in this chapter shall prevent any county, city or town in the Commonwealth from enacting an ordinance regulating peddlers and itinerant merchants.

INTRODUCED

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