

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 701

An Act 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 itinerant merchants.

[S 977]

Approved March 28, 1999

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.

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 store, regularly open to the public or a licensed merchant with a regularly serviced supply route or location, who transports an inventory of new merchandise to a building, vacant lot, or other location and who, at that location, displays, sells or offers to sell the new merchandise to the public.

"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; (ii) food stuffs; (iii) the seller's own household personal property; (iv) merchandise sold by nonprofit charitable, educational or religious organizations or at events sponsored by such organizations; or (v) merchandise sold during parades, festivals, sporting or entertainment events, civic or fundraising activities sponsored by nonprofit charitable, educational or religious organizations.

§ 54.1-4301. Records to be kept.

Every itinerant merchant shall keep an accurate and legible record of his acquisition of the new merchandise. The records of such acquisition shall be retained by the itinerant merchant for at least twelve months from the display, sale or offer for sale of new merchandise and shall set forth the following:

- 1. A complete description of the new merchandise, including but not limited to product name 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.*

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

An itinerant merchant shall permit any local, state or federal law-enforcement officer to examine the records required pursuant to § 54.1-4301 and to inspect any article listed in the record.

§ 54.1-4303. Local ordinances.

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

§ 54.1-4304. Bona fide purchaser.

Nothing in this chapter shall affect bona fide purchaser status as to title to new merchandise otherwise applicable to an itinerant merchant.