

Opinion No. 14-1216

May 4, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. O. L. Britton, Roswell, New Mexico.

LICENSE.

No license required for a person who takes orders for goods from dealers or merchants and later delivers the same.

OPINION

{*76} I am in receipt of your letter of the 2nd inst., in which you refer to the letter of this office of April 30, 1914.

You inquire whether a person who takes orders for goods and later delivers the same is subject to the payment of a license as itinerant vendor. This all depends upon to whom the goods are sold. If sold to dealers or merchants in the usual course of business, no license is required, but if the business is transacted by going from place to place or house to house, soliciting or taking orders for goods, wares or merchandise for future delivery, a person engaged in such business is defined as an itinerant vendor and is subject to the payment of the license provided for by Chapter 128 of the Session Laws of 1905. This law, however, does not apply to a person engaged in the sale of books, papers, school supplies or household machinery.