

Opinion No. [30-32]

August 25, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. H. P. Cargill, Amarillo, Texas.

ITINERANT VENDORS -- Licenses required.

OPINION

This will acknowledge yours of the 22nd inst. in which you ask to be informed as to the selling of medicines, electric belts and other articles in connection with a free show in New Mexico.

From nature of your business as described by you it appears that you would come under the designation, Itinerant Vendor, as used in the statute, and itinerant vendors before doing business as such in this state are required to obtain both a State license and a county license. The state license is obtained from the Secretary of State to whom application must be made setting forth the information required by the statute, accompanied by a fee of \$ 25.00.

A county license must then be obtained from the county clerk of each county in which the itinerant vendor does business. Before applying for a county license the applicant must have obtained the state license above referred to and must deposit with the county treasurer of the county in which business is to be carried on the sum of \$ 1,000.00 in cash and must pay the fee prescribed. The fees vary according to the mode of travel adopted by the itinerant vendor, the requirements being as follows:

"Sec. 74-209. **County license -- Fees.** Every 'itinerant vendor' before making a sale of any manufactured goods, jewelry, wares or merchandise in any county in this state, shall procure a county license from the county clerk of that county and pay the following named fees therefor, viz.:

For each 'itinerant vendor' traveling on foot or with one horse, two hundred and fifty dollars per annum;

For each 'itinerant vendor' traveling with two horses, three hundred dollars per annum;

For each 'itinerant vendor' traveling on a bicycle, one hundred dollars per annum;

For each 'itinerant vendor' traveling in any other manner than hereinbefore described, three hundred and fifty dollars;

For each 'itinerant vendor' doing business in any building, structure, tent, car, stationary vehicle, storeroom or certain place of any kind, for the exhibition or sale of any manufactured goods, jewelry, wares, or merchandise, for each such building, structure, tent, car, stationary vehicle, storeroom or place, two hundred and fifty dollars."

An additional license is required for the sale of medicines by an itinerant vendor.

The \$ 1,000.00 cash deposit with the treasurer in each county is for the protection of those who purchase from the itinerant vendor and must remain with the treasurer for eighteen months, the license being for one year.

I cannot go into detail as to the statutory requirements which are numerous. If you contemplate doing business in this state it will be necessary that you inform yourself fully as to the requirements of the statute relative to such business.