

Transient Merchant License

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 the State of Minnesota, 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. (M.S. 329.099)

Anyone who engages in any temporary or transient business within Jackson County to sell goods or services is required to obtain a transient merchant license.

Certain Sales Excepted:

The provisions of sections 329.11 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 a 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 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 by the owner or legal occupant of the premises.

Violations; Penalties

According to M.S. 329.17, every person, either as principal or agent, who shall in any manner engage in, do, or transact any business as a transient merchant, without having first obtained a license, or who shall conduct any sale, or who shall sell or expose for sale any goods, wares, and merchandise contrary to the provisions of sections 329.10 to 329.16, or who shall advertise, represent, or hold forth any sale of goods, wares, and merchandise, to be conducted contrary to the provisions of the sections of 329.10 to 329.16, is guilty of a **gross misdemeanor**.

Every person who shall engage in or follow the business of a hawker or peddler without having first obtained a license is guilty of a **misdemeanor**.

Prohibitions:

Per M.S. 329.095, No person shall, while engaged in the business of peddling, sell or distribute finger alphabet cards or printed matter stating that the person is deaf, or use finger alphabet cards or such printed matter or masquerade as a deaf person in any way as a means of inducement in the sale of merchandise. Any violator shall be guilty of a misdemeanor.

Per M.S. 329.135, 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.

JACKSON COUNTY

TRANSIENT MERCHANT LICENSE APPLICATION

I, the undersigned, hereby apply for a license, pursuant to Minnesota Statutes Chapter 329, to do business as a Transient Merchant and to sell goods, wares and merchandise as such in the County of Jackson, State of Minnesota, for the term of one year from the date of issuance of such license; and to that end hereby represent and state that I intend to carry on said activities and respectfully submit the following statement of facts as provided by law:

1. Name of Applicant: _____

2. Place of Residence(s) for the prior two year period: _____

Phone Number: _____

3. Business Address(es) for the prior two year period: _____

Phone Number: _____

4. Type of business engaged in for previous two years: _____

5. Name and Address of Representative who will conduct sale(s):

6. Proposed Place of Business:

Additional sheet attached

7. Kind of Business Proposed to be Conducted: _____
(Note: Auctioneers must apply for an auctioneer license)

8. Length of Time for Which Applicant Desires to do Business: _____

9. Additional Attachments Required:

- o An **itemized list of merchandise** to be offered for sale reciting as to each item a description thereof including serial number if any, the owner's actual cost thereof, and a designation by number corresponding with a number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold.
- o The applicant has given **bond** to the County, approved by the Auditor/Treasurer, in the amount of \$3,000. The bond shall be conditioned as required by Minnesota Statutes, section 329.11 and the Auditor/Treasurer's receipt presented herewith. Bond must include Acknowledgment of Principal. This means that the signatures of the signing Insurance Company and the person signing as Principal are to be notarized. In addition, if anyone other than an officer of the insurance company signs the bond, a power of attorney is required.
- o A copy of the **seller's permit** as issued under section 297A.83 or a written statement from the applicant stating that applicant is not offering for sale any item that is taxable under Chapter 297A.
- o A completed **Form SP :C1 License Applicant Information.**
- o A completed **Certification of Compliance—Minnesota Workers' Compensation Law.**
- o A completed **Appointment of County Auditor as Agent** form.
- o A **license fee of \$150**, payable to Jackson County, for each sale location.

TRANSIENT MERCHANT LICENSE APPLICATION

I certify under oath and penalties of perjury that:

The Applicant listed on page 1 of this application does not owe the State of Minnesota any state delinquent taxes payable per Minnesota Statute 270C.72; and

That all statements made in this application are true and correct.

Signature

Date

Subscribed and sworn to before me

This ___ day of _____, 20__

Notary Public

(Seal)

For County Use Only

Date of Application: _____

Date of Approval / Decline: _____

License # _____

Remit to: Jackson County Auditor/Treasurer
405 4th St, PO Box 226
Jackson MN 56143

APPOINTMENT OF COUNTY AUDITOR AS AGENT

The undersigned does hereby constitute and appoint **Kevin Nordquist, Auditor/Treasurer of Jackson County**, Minnesota and his successor or successors in office, his agent and attorney to accept service of process and upon whom service of process may be had in any action to which he is a party arising out of the sale of merchandise for which the license referred to in the preceding application is sought, and service on said agent shall be taken and held as a personal service. The appointment shall be and continue in force until all causes of action arising out of such sale shall be barred by the statute of limitations.

Signature of Applicant

Date

Subscribed and sworn to before me

This ___ day of _____, 20__

Notary Public

Remit to: Jackson County Auditor/Treasurer
405 4th St, PO Box 226
Jackson MN 56143