

SENATE BILL 11

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2001 Regular Session
11r0363

(PRE-FILED)

By: **Senator Teitelbaum**
Requested: August 3, 2000
Introduced and read first time: January 10, 2001
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 20, 2001

CHAPTER 112

1 AN ACT concerning

2 **Trader's Licenses - Exception for Exhibitors at Antique, Coin, or Collector**
3 **Shows**

4 FOR the purpose of establishing an exception from the trader's license requirement
5 for certain exhibitors at antique, coin, or collector shows under certain
6 circumstances; and generally relating to trader's licenses.

7 BY repealing and reenacting, with amendments,
8 Article - Business Regulation
9 Section 17-1804 and 17-1814
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2000 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Business Regulation**

15 17-1804.

16 (a) Except as otherwise provided in this subtitle, a person must have a
17 trader's license whenever the person:

- 18 (1) does business as a trader in the State; or
- 19 (2) does business as an exhibitor in the State.

1 (b) A separate trader's license is required for each store or fixed place of
2 business that a person operates in the State.

3 (c) This section does not apply to:

4 (1) a grower, maker, or manufacturer of goods;

5 (2) a nonresident traveling salesperson, sample merchant, or
6 representative of a foreign mercantile or manufacturing business while selling to or
7 soliciting an order from a licensed trader in the State; or

8 (3) a private individual while publicly selling the individual's personal
9 effects on the individual's property, if the individual holds only 1 sale not exceeding 14
10 consecutive days in a calendar year.

11 (d) (1) An exhibitor need not get a trader's license for a show if[:

12 (i)] the show is promoted by:

13 [1.] (I) a church, as defined in § 5-301(b) of the
14 Corporations and Associations Article;

15 [2.] (II) a governmental unit;

16 [3.] (III) an amateur radio organization;

17 [4.] (IV) an antique vehicle, machine, and equipment
18 organization;

19 [5.] (V) a volunteer fire department or rescue squad; or

20 [6.] (VI) a model train collectors' association. [; or

21 (ii)] (2) AN EXHIBITOR NEED NOT GET A TRADER'S LICENSE FOR A
22 SHOW if the exhibitor gives to the promoter an exhibitor's affidavit stating that the
23 exhibitor:

24 [1.] (I) ~~gets~~ RECEIVES less than 10% of the exhibitor's
25 annual income from selling the kind of goods that the exhibitor will display and sell at
26 the show; and

27 [2.] (II) has not participated in more than 3 shows during the
28 previous 365 days.

29 (3) AN EXHIBITOR AT AN ANTIQUE SHOW, COIN SHOW, OR COLLECTOR
30 SHOW NEED NOT GET A TRADER'S LICENSE FOR THE SHOW IF THE EXHIBITOR GIVES
31 TO THE PROMOTER AN EXHIBITOR'S AFFIDAVIT STATING THAT THE EXHIBITOR:

32 (I) WILL DISPLAY AND SELL AT THE SHOW;

1 (II) RECEIVES LESS THAN 10% OF THE EXHIBITOR'S ANNUAL
2 INCOME IN THE STATE FROM SELLING THE KIND OF GOODS THAT THE EXHIBITOR
3 WILL DISPLAY AND SELL AT THE SHOW; AND

4 (III) HAS NOT PARTICIPATED IN MORE THAN 3 ANTIQUE SHOWS,
5 COIN SHOWS, OR COLLECTOR SHOWS IN THE STATE DURING THE PREVIOUS 365
6 DAYS.

7 [(2)] (4) An exhibitor who has a trader's license need not get an
8 additional trader's license for a show if, before the show, the exhibitor gives the
9 promoter a photocopy of the trader's license.

10 17-1814.

11 (a) A promoter may not allow an exhibitor to do business at a show unless,
12 before the show, the exhibitor submits to the promoter:

13 (1) a photocopy of the trader's license of the exhibitor; or

14 (2) an exhibitor's affidavit in accordance with [§ 17-1804(d)(1)(ii)]§
15 17-804(D)(2) AND (3) of this subtitle.

16 (b) The exhibitor's affidavit or the photocopy of the trader's license shall be
17 displayed conspicuously during the show.

18 (c) Within 7 days after a show ends, the promoter shall submit to the
19 Comptroller the exhibitors' affidavits.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2001.