

Rec., May 15

21/10

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

Com. Sub. for
House Bill No. 10

(By Mr. Doninger)

Passed May 10, 1933

In Effect ninety days from Passage

Originated in the House Takes effect ninety days from passage

James L. Smith
Clerk.

CORRECTLY ENROLLED

James L. Smith
Clerk of the House of Delegates.

James L. Smith
Chairman House Committee.

James L. Smith
Chairman Senate Committee.

ENROLLED BILL

(Com. Sub. for H. B. No. 10)

[Passed May 10, 1933; in effect ninety days from passage.]

AN ACT to amend and reenact section fifty-seven, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter fifty-five of the acts of the legislature of one thousand nine hundred thirty-one, relating to hawkers and peddlers.

Be it enacted by the Legislature of West Virginia:

That section fifty-seven, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter fifty-five of the acts of the legislature of one thousand nine hundred thirty-one, relating to hawkers and peddlers be amended and reenacted to read as follows:

Section 57. On every license to act as hawker or peddler, if
2 the person licensed travel without a horse or vehicle, one hun-

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James A. Hyatt

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

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3 dred dollars; if he travel with one horse, with or without a
4 wagon or other vehicle, two hundred dollars; if he travel with
5 two or more horses, with or without a vehicle, or if he travel
6 with a motor vehicle of two tons capacity or less, three hun-
7 dred dollars, and a like sum for each and every additional
8 vehicle; or, if he travel with a motor vehicle of more than two
9 tons capacity, one hundred dollars for each additional ton or
10 fraction thereof, and a like sum for each and every vehicle.
11 Such license or the license plate hereinafter set out, shall be
12 placed in some conspicuous place in his wagon or other vehicle
13 or about his pack.

14 Except as hereinafter expressly provided the words "ped-
15 dler and hawker," for the purpose of this article shall mean
16 and include all persons, firms, associations or corporations who
17 or which offer for sale, or sell and deliver at the same time,
18 goods, wares, merchandise, agricultural, horticultural, and/or
19 other products and articles to merchants, wholesale dealers, re-
20 tailers or consumers, except those selling from or at a bona fide
21 fixed and stationary place of business, or those having such
22 place of business within the state of West Virginia: *Provided,*
23 *however,* That nothing in this article shall be construed as

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James D. Henry

Chairman Senate Committee.

James E. Smith

Chairman House Committee.

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24 levying a license on farmers or others, selling products of their
25 own production, individually or collectively: *And provided*
26 *further*, That nothing in this article shall be construed as levy-
27 ing a license tax on an agent or traveling salesman of a manu-
28 facturer or wholesaler who may directly supply articles manu-
29 factured or handled by such manufacturer or wholesaler to cus-
30 tomers engaged in merchandising at retail at bona fide fixed and
31 stationary places of business: *Provided further*, That each
32 farmer or citizen as hereinabove exempt, except as hereinafter
33 provided, shall obtain from the clerk of any county court a
34 license receipt, without cost, showing that he is so exempt, and
35 which shall run for the period of one year after the issuance
36 thereof, but he shall make an affidavit as to the facts entitling
37 him to such exemption on a form to be prescribed by the tax
38 commissioner of this state: *And provided further*, That the
39 above provisions as to obtaining license receipt showing exemp-
40 tion, shall not be obligatory upon but only permissible as to any
41 farmer or citizen for operation solely within the county of his
42 residence or county adjoining thereto. If any person for him-
43 self or for another person shall sell goods, wares and merchan-
44 dise and/or other products set out above, as a hawker or peddler,

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45 without having such license as required above, he shall be guilty
46 of a misdemeanor, and upon conviction shall be fined in a sum
47 of not less than twenty-five dollars nor more than one hundred
48 dollars, or be confined in the county jail not exceeding sixty
49 days or both such fine and imprisonment, in the discretion of
50 the court; and each day or part thereof upon which said person
51 or persons shall act as a peddler or hawker without such license
52 or license receipt, shall constitute a separate offense hereunder.

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Julia C. Hoke
Chairman Senate Committee.

R. M. Hiner
Speaker of the House of Delegates.

J. S. Haeck
Clerk of the House of Delegates.

R. G. Mainwaring
President of the Senate.

Samuel D. Smith
Clerk of the Senate.

The within is... *approved*

this... *19th* ... day of... *May* ..., 1933.

H. S. Kemp
Governor.

James L. Smith
Chairman House Committee.

Filed in the office of the Secretary of State
of West Virginia **MAY 20 1933**
Wm. S. O'BRIEN
Secretary of State