

1	G.S. 105-58	Fortune tellers, palmists, etc.
2	G.S. 105-60	Day-care facilities.
3	G.S. 105-61	Hotels, motels, tourist courts and tourist homes.
4	G.S. 105-62	Restaurants.
5	G.S. 105-65	Music machines.
6	G.S. 105-65.1	Merchandising dispensers and weighing machines.
7	G.S. 105-66.1	Electronic video games.
8	G.S. 105-70	Packinghouses.
9	G.S. 105-72	Persons, firms, or corporations selling certain oils.
10	G.S. 105-74	Pressing clubs, dry cleaning plants, and hat blockers.
11	G.S. 105-75.1	Municipal license tax on barbershops and beauty salons.
12	G.S. 105-77	Tobacco warehouses.
13	G.S. 105-80	Firearms dealers and dealers in other weapons.
14	G.S. 105-85	Laundries.
15	G.S. 105-86	Outdoor advertising.
16	G.S. 105-89	Automobiles, wholesale supply dealers and service stations.
17	G.S. 105-89.1	Motorcycle dealers.
18	G.S. 105-90	Emigrant and employment agents.
19	G.S. 105-91	Plumbers, heating contractors, and electricians.
20	G.S. 105-97	Manufacturers of ice cream.
21	G.S. 105-98	Branch or chain stores.
22	G.S. 105-99	Wholesale distributors of motor fuels.
23	G.S. 105-102.1	Certain cooperative associations.
24	G.S. 105-102.5	General business license.

25 Sec. 2. G.S. 105-33(b) reads as rewritten:

26 "(b) If the business made taxable or the privilege to be exercised under this Article
27 is carried on at two or more separate places, a separate State license for each place is
28 required. ~~For the purpose of this Article, a specialty market is not considered a specialty market~~
29 ~~vendor's place of business."~~

30 Sec. 3. G.S. 105-33(d) reads as rewritten:

31 "~~(d) The State license issued under G.S. 105-41, 105-42, 105-45, 105-53, 105-54,~~
32 ~~105-55, 105-58, and 105-91 shall be and constitute a personal privilege to conduct the~~
33 ~~profession or business named in the State license, shall not be transferable to any other~~
34 ~~person, firm or corporation and shall be construed to limit the person, firm or corporation~~
35 ~~named in the license to conducting the profession or business and exercising the privilege~~
36 ~~named in the State license to the county and/or city and location specified in the State~~
37 ~~license, unless otherwise provided in this Article or schedule. Other A license issued for a~~
38 ~~tax year for the conduct of a business at a specified location shall upon a sale or transfer~~
39 ~~of the business be deemed a sufficient license for the succeeding purchaser for the~~
40 ~~conduct of the business specified at such location for the balance of the tax year:~~
41 ~~Provided, that if the holder of a license under this schedule moves the business for which~~
42 ~~a license has been paid to another location, a new license may be issued to the licensee at~~
43 ~~a new location for the balance of the license year, upon surrender of the original license~~

1 for cancellation and the payment of a fee of five dollars (\$5.00) for each license
2 certificate reissued."

3 Sec. 4. G.S. 105-38(g) is repealed.

4 Sec. 5. G.S. 105-109.1 reads as rewritten:

5 **"§ 105-109.1. Interest.**

6 The taxes on gross receipts levied in G.S. ~~105-37.1(a)~~, ~~105-37.1(a)~~ and G.S. 105-38(f),
7 ~~and 105-65.1(b)(2)~~, the tax on installment paper dealers levied in G.S. 105-83(b), and the
8 tax on publishers of newsprint publications levied in G.S. 105-102.6, shall bear interest at
9 the rate established under G.S. 105-241.1(i) from the time the taxes were due until the
10 taxes are paid."

11 Sec. 6. G.S. 153A-152 reads as rewritten:

12 **"§ 153A-152. Privilege license taxes.**

13 A county may levy privilege license taxes on trades, occupations, professions,
14 businesses, and franchises to the extent authorized by ~~Schedule B of the Revenue Act~~
15 ~~(Chapter 105, Subchapter I, Article 2)~~ Article 2 of Chapter 105 of the General Statutes and
16 any other acts of the General Assembly. A county may levy privilege license taxes to the
17 extent formerly authorized by the following sections of Article 2 of Chapter 105 of the
18 General Statutes before they were repealed:

19	<u>G.S. 105-50</u>	<u>Pawnbrokers.</u>
20	<u>G.S. 105-53</u>	<u>Peddlers, itinerant merchants, and specialty market operators.</u>
21	<u>G.S. 105-55</u>	<u>Installing elevators and automatic sprinkler systems.</u>
22	<u>G.S. 105-58</u>	<u>Fortune tellers, palmists, etc.</u>
23	<u>G.S. 105-65</u>	<u>Music machines.</u>
24	<u>G.S. 105-66.1</u>	<u>Electronic video games.</u>
25	<u>G.S. 105-80</u>	<u>Firearms dealers and dealers in other weapons.</u>
26	<u>G.S. 105-89</u>	<u>Automobiles, wholesale supply dealers and service stations.</u>
27	<u>G.S. 105-89.1</u>	<u>Motorcycle dealers.</u>
28	<u>G.S. 105-90</u>	<u>Emigrant and employment agents.</u>
29	<u>G.S. 105-102.5</u>	<u>General business license."</u>

30 Sec. 7. G.S. 160A-211 reads as rewritten:

31 **"§ 160A-211. Privilege license taxes.**

32 (a) Authority. – Except as otherwise provided by law, a city shall have power to
33 levy privilege license taxes on all trades, occupations, professions, businesses, and
34 franchises carried on within the city. A city may levy privilege license taxes on the
35 businesses that were formerly taxed by the State under the following sections of Article 2
36 of Chapter 105 of the General Statutes only to the extent the sections authorized cities to
37 tax the businesses before the sections were repealed:

38	<u>G.S. 105-36</u>	<u>Amusements – Manufacturing, selling, leasing, or distributing moving</u> 39 <u>picture films.</u>
40	<u>G.S. 105-36.1</u>	<u>Amusements – Outdoor theatres.</u>
41	<u>G.S. 105-37</u>	<u>Amusements – Moving pictures – Admission.</u>
42	<u>G.S. 105-41</u>	<u>Attorneys-at-law and other professionals.</u>
43	<u>G.S. 105-42</u>	<u>Private detectives and investigators.</u>

1	<u>G.S. 105-45</u>	<u>Collecting agencies.</u>
2	<u>G.S. 105-46</u>	<u>Undertakers and retail dealers in coffins.</u>
3	<u>G.S. 105-50</u>	<u>Pawnbrokers.</u>
4	<u>G.S. 105-51.1</u>	<u>Alarm systems.</u>
5	<u>G.S. 105-53</u>	<u>Peddlers, itinerant merchants, and specialty market operators.</u>
6	<u>G.S. 105-54</u>	<u>Contractors and construction companies.</u>
7	<u>G.S. 105-55</u>	<u>Installing elevators and automatic sprinkler systems.</u>
8	<u>G.S. 105-61</u>	<u>Hotels, motels, tourist courts and tourist homes.</u>
9	<u>G.S. 105-62</u>	<u>Restaurants.</u>
10	<u>G.S. 105-65</u>	<u>Music machines.</u>
11	<u>G.S. 105-65.1</u>	<u>Merchandising dispensers and weighing machines.</u>
12	<u>G.S. 105-66.1</u>	<u>Electronic video games.</u>
13	<u>G.S. 105-72</u>	<u>Persons, firms, or corporations selling certain oils.</u>
14	<u>G.S. 105-74</u>	<u>Pressing clubs, dry cleaning plants, and hat blockers.</u>
15	<u>G.S. 105-77</u>	<u>Tobacco warehouses.</u>
16	<u>G.S. 105-80</u>	<u>Firearms dealers and dealers in other weapons.</u>
17	<u>G.S. 105-85</u>	<u>Laundries.</u>
18	<u>G.S. 105-86</u>	<u>Outdoor advertising.</u>
19	<u>G.S. 105-89</u>	<u>Automobiles, wholesale supply dealers and service stations.</u>
20	<u>G.S. 105-89.1</u>	<u>Motorcycle dealers.</u>
21	<u>G.S. 105-90</u>	<u>Emigrant and employment agents.</u>
22	<u>G.S. 105-91</u>	<u>Plumbers, heating contractors, and electricians.</u>
23	<u>G.S. 105-97</u>	<u>Manufacturers of ice cream.</u>
24	<u>G.S. 105-98</u>	<u>Branch or chain stores.</u>
25	<u>G.S. 105-99</u>	<u>Wholesale distributors of motor fuels.</u>
26	<u>G.S. 105-102.1</u>	<u>Certain cooperative associations.</u>
27	<u>G.S. 105-102.5</u>	<u>General business license.</u>

28 (b) Barbershop and Salon Restriction. – A privilege license tax levied by a city on
29 a barbershop or a beauty salon may not exceed two dollars and fifty cents (\$2.50) for
30 each barber, manicurist, cosmetologist, beautician, or other operator employed in the
31 barbershop or beauty salon."

32 Sec. 8. Chapter 66 of the General Statutes is amended by adding a new Article
33 to read:

34 **"ARTICLE 31.**

35 **"PEDDLERS, ITINERANT MERCHANTS, AND SPECIALTY MARKETS.**

36 **"§ 66-230. Definitions.**

37 The following definitions apply in this Article:

38 (1) Itinerant merchant. – A person, other than a merchant with an
39 established retail store in the county, who transports an inventory of
40 goods to a building, vacant lot, or other location in a county and who, at
41 that location, displays the goods for sale and sells the goods at retail or
42 offers the goods for sale at retail.

- 1 (2) Peddler. – A person who travels from place to place with an inventory
2 of goods, who sells the goods at retail or offers the goods for sale at
3 retail, and who delivers the identical goods.
- 4 (3) Person. – An individual, a firm, an association, a partnership, a limited
5 liability company, a corporation, a unit of government, or another group
6 acting as a unit.
- 7 (4) Specialty market. – A location, other than a permanent retail store,
8 where space is rented to others for the purpose of selling goods at retail
9 or offering goods for sale at retail.
- 10 (5) Specialty market operator. – A person, other than the State or a unit of
11 local government, who rents space, at a location other than a permanent
12 retail store, to others for the purpose of selling goods at retail or offering
13 goods for sale at retail.
- 14 (6) Specialty market vendor. – A person, other than a merchant with an
15 established retail store in the county, who transports an inventory of
16 goods to a specialty market and, at that location, displays the goods for
17 sale and sells the goods at retail or offers the goods for sale at retail.

18 **"§ 66-231. Itinerant merchant and peddler must have permission of property**
19 **owner.**

20 An itinerant merchant or a peddler who travels from place to place by vehicle must
21 obtain a written statement signed by the owner or lessee of any property upon which the
22 itinerant merchant or peddler offers goods for sale giving the owner's or lessee's
23 permission to offer goods for sale upon the property of the owner or lessee. This
24 statement must clearly state the name of the owner or lessee, the location of the premises
25 for which the permission is granted, and the dates during which the permission is valid.
26 The statement must be conspicuously and prominently displayed, so as to be visible for
27 inspection by patrons of the itinerant merchant or peddler, at the places or locations at
28 which the goods are to be sold or offered for sale.

29 **"§ 66-232. Display and possession of retail sales tax license.**

30 (a) When Required. – An itinerant merchant must keep the merchant's retail sales
31 tax license conspicuously and prominently displayed, so as to be visible for inspection by
32 patrons of the itinerant merchant at the places or locations at which the goods are to be
33 sold or offered for sale. A peddler must carry the peddler's retail sales tax license when
34 the peddler offers goods for sale and must produce the license upon the request of any
35 customer, State or local revenue agent, or law enforcement agent. A specialty market
36 vendor must keep the retail sales tax license conspicuously and prominently displayed, so
37 as to be visible for inspection by patrons of the specialty market vendor at the places or
38 locations at which the goods are to be sold or offered for sale. A specialty market
39 operator must have its retail sales tax license, if any, available for inspection during all
40 times that the specialty market is open and must produce it upon the request of any
41 customer, State or local revenue agent, or law enforcement agent.

42 (b) Compliance. – The requirement that a retail sales tax license be displayed is
43 satisfied if the vendor displays either of the following:

1 (1) A copy of the license.

2 (2) Evidence that the license has been applied for and the applicable license
3 fee has been paid within 30 days before the date the license was
4 required to be displayed.

5 **"§ 66-233. Display of identification upon request.**

6 Upon the request of any customer, State or local revenue agent, or law enforcement
7 agent, a peddler, an itinerant merchant, a specialty market operator, or a specialty market
8 vendor must provide its name and permanent address. If the peddler, itinerant merchant,
9 specialty market operator, or specialty market vendor is not a corporation, he or she must,
10 upon the request of any customer, State or local revenue agent, or law enforcement agent,
11 provide a valid drivers license, a special identification card issued under G.S. 20-37.7,
12 military identification, or a passport bearing a physical description of the person named
13 reasonably describing the peddler, itinerant merchant, specialty market operator, or
14 specialty market vendor. If the peddler, itinerant merchant, specialty market operator, or
15 specialty market vendor is a corporation, it must, upon the request of any customer, State
16 or local revenue agent, or law enforcement agent, give the name and registered agent of
17 the corporation and the address of the registered office of the corporation, as filed with
18 the Secretary of State.

19 **"§ 66-234. Records of source of new merchandise.**

20 (a) Record Required. – Each peddler, itinerant merchant, and specialty market
21 vendor must keep a written record of the source of new merchandise the merchant offers
22 for sale. The record must be a receipt or an invoice from the person who sold the
23 merchandise to the merchant. The invoice or receipt must specifically identify the
24 product being sold by product name and quantity purchased and must contain the
25 complete business name of the seller and a description of the type of business. If the
26 seller was an individual, the receipt or invoice must contain the seller's drivers license
27 number, its state of issuance and expiration date, and the seller's date of birth. The
28 merchant must verify this information by comparing the seller's drivers license to the
29 invoice or receipt and signing the invoice or receipt. A special identification card issued
30 by the Division of Motor Vehicles may be used in place of the seller's drivers license for
31 the purposes of providing and verifying information required under this section. If the
32 seller was a corporation, the receipt or invoice must contain the corporation's federal tax
33 identification number, the state of incorporation, the name and address of the
34 corporation's registered agent in this State, if any, and the corporation's principal office
35 address.

36 (b) Keeping the Record. – Each peddler, itinerant merchant, and specialty market
37 vendor must keep the record required by subsection (a) of this section with the new
38 merchandise being offered for sale. Once the new merchandise is sold, the merchant
39 must keep the record for a period of three years after the date of the sale.

40 (c) Displaying Record or Affidavit. – Upon the request of a law enforcement
41 agent, a peddler, an itinerant merchant, or a specialty market vendor must produce either
42 of the following:

1 (1) The record required by subsection (a) of this section of the source of
2 new merchandise the merchant offers for sale.

3 (2) An affidavit under oath or affirmation identifying the source of new
4 merchandise the merchant offers for sale, including the name and
5 address of the seller, the license number of any auctioneer seller, and the
6 date and place of purchase of the merchandise.

7 A merchant's failure to produce the requested record or an affidavit within a
8 reasonable time of request by a law enforcement agent is prima facie evidence of
9 possession of stolen property. Pending the production of the requested record or
10 affidavit, the agent may take the merchandise into custody as evidence at the time the
11 request is made. Merchandise impounded under this subsection must be disposed of in
12 accordance with G.S. 15-11.1.

13 (d) Posted Notice. – A specialty market operator must conspicuously post in plain
14 view of all specialty market vendors a sign informing all vendors that failure to produce,
15 upon the request of a law enforcement agent, either the records or affidavit required
16 under this section is prima facie evidence of possession of stolen property.

17 **"§ 66-235. Specialty market registration list.**

18 A specialty market operator must maintain a daily registration list of all specialty
19 market vendors selling or offering goods for sale at the specialty market. The registration
20 list must clearly and legibly show each specialty market vendor's name, permanent
21 address, and retail sales and use tax registration number. The specialty market operator
22 must require each specialty market vendor to exhibit a valid retail sales tax license for
23 visual inspection by the specialty market operator at the time of registration, and must
24 require each specialty market vendor to keep the retail sales tax license conspicuously
25 and prominently displayed, so as to be visible for inspection by patrons of the specialty
26 market vendor at the places or locations at which the goods are offered for sale. Each
27 daily registration list maintained pursuant to this section must be retained by the specialty
28 market operator for no less than two years and must at any time be made available upon
29 request to any law enforcement officer.

30 **"§ 66-236. Exemptions from Article.**

31 This Article does not apply to the following:

32 (1) A peddler or an itinerant merchant who meets any of the following
33 descriptions:

34 a. Sells farm or nursery products produced by the merchant.

35 b. Sells crafts or goods made by the merchant or the merchant's
36 own household personal property.

37 c. Is a nonprofit charitable, educational, religious, scientific, or
38 civic organization.

39 d. Sells printed material, wood for fuel, ice, seafood, meat, poultry,
40 livestock, eggs, dairy products, bread, cakes, or pies.

41 e. Is an authorized automobile dealer licensed pursuant to Chapter
42 20 of the General Statutes.

- 1 (2) A peddler who maintains a fixed permanent location from which at least
2 ninety percent (90%) of the peddler's sales are made but who sells some
3 goods in the county of the fixed location by peddling.
- 4 (3) An itinerant merchant who meets any of the following descriptions:
5 a. Locates at a farmer's market.
6 b. Is part of the State Fair or an agriculture fair that is licensed by
7 the Commissioner of Agriculture pursuant to G.S. 106-520.3.
8 c. Sells goods at an auction conducted by an auctioneer licensed
9 pursuant to Chapter 85B of the General Statutes.
- 10 (4) A peddler who complies with the requirements of G.S. 25A-38 through
11 G.S. 25A-42, or who complies with the requirements of G.S. 14-401.13.

12 **"§ 66-237. Misdemeanor violations.**

13 (a) Class 1 Misdemeanors. – A person who does any of the following commits a
14 Class 1 misdemeanor:

- 15 (1) Fails to keep a record of new merchandise offered for sale as required
16 by G.S. 66-234.
- 17 (2) Fails to produce a record or an affidavit pursuant to G.S. 66-234.
- 18 (3) Falsifies a record of new merchandise required by G.S. 66-234.

19 (b) Class 3 Misdemeanors. – A person who does any of the following commits a
20 Class 3 misdemeanor:

- 21 (1) Knowingly gives false information when registering pursuant to G.S.
22 66-235.
- 23 (2) If the person is an itinerant merchant or a specialty market vendor, fails
24 to display the retail sales tax license as required by G.S. 66-232.
- 25 (3) If the person is a peddler or specialty market operator, fails to produce
26 the retail sales tax license as required by G.S. 66-232.
- 27 (4) Fails to obtain the permission of the property owner as required by G.S.
28 66-231.
- 29 (5) Fails to provide name, address, or identification upon request as
30 required by G.S. 66-233 or provides false information in response to the
31 request.
- 32 (6) If the person is a specialty market operator, fails to maintain the daily
33 registration list as required by G.S. 66-235.

34 (c) Defense. – Whenever satisfactory evidence is presented in any court of the fact
35 that a retail sales tax license was not displayed or produced as required by G.S. 66-232 or
36 that permission to use property was not displayed as required by G.S. 66-231, the person
37 charged may not be found guilty of that violation if the person produces in court a valid
38 retail sales tax license or valid permission, respectively, that had been issued prior to the
39 time the person was charged.

40 **"§ 66-238. Local regulation not affected.**

41 This Article does not affect the authority of a county or city to impose additional
42 requirements on peddlers, itinerant merchants, specialty market vendors, or specialty
43 market operators by an ordinance adopted under G.S. 153A-125 or G.S. 160A-178."

1 Sec. 9. This act does not affect the rights or liabilities of the State, a taxpayer,
2 or another person arising under a statute amended or repealed by this act before its
3 amendment or repeal; nor does it affect the right to any refund or credit of a tax that
4 would otherwise have been available under the amended or repealed statute before its
5 amendment or repeal.

6 Sec. 10. This act becomes effective July 1, 1996.