



House of Representatives

General Assembly

File No. 143

February Session, 2002

House Bill No. 5617

House of Representatives, March 25, 2002

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING RESIDENT VETERAN HAWKER AND PEDDLER FEE EXEMPTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21-37 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 Any town may make reasonable ordinances with reference to the
4 vending or hawking upon its public streets or upon any state highway,
5 except limited access highways, within such town or any land abutting
6 such streets or highways of any goods, wares or other merchandise at
7 public or private sale or auction, or to the vending or peddling of such
8 articles from house to house within its limits, including the imposition
9 of a fee, not exceeding two hundred dollars a year, applicable with
10 respect to any person engaged in such vending, hawking or peddling,
11 for the privilege of so vending, hawking or peddling such
12 merchandise. Any ordinance adopted pursuant to this section which
13 requires a permit may require that no such permit shall be issued to

14 any person who has not obtained a permit to engage in or transact
 15 business as a seller within the state in accordance with section 12-409
 16 and shall require that any permit issued pursuant to such ordinance
 17 shall be conspicuously displayed at the place the activities are
 18 undertaken. Such ordinances may provide that the authority issuing
 19 such permit may waive the permit fee for a nonprofit organization
 20 exempt from federal taxation by Section 501 of the Internal Revenue
 21 Code of 1986, or any subsequent corresponding internal revenue code
 22 of the United States, as from time to time amended, or a charitable
 23 organization. No town shall require a permit fee from any resident of
 24 this state who has resided within the state for a period of two years
 25 next preceding the date of application for such permit and who is a
 26 veteran who served in time of war, as defined in section 27-103. This
 27 section shall not apply to sales by farmers and gardeners of the
 28 produce of their farms, gardens and greenhouses, including fruit,
 29 vegetables and flowers, or to the sale, distribution and delivery of
 30 milk, teas, coffees, spices, groceries, meats and bakery goods, to sales
 31 on approval, to conditional sales of merchandise, or to the taking of
 32 orders for merchandise for future delivery when full payment is not
 33 required at the time of solicitation. Nothing in this section shall be
 34 construed to limit in any manner the Commissioner of
 35 Transportation's statutory authority concerning state highways.
 36 Nothing in this section shall be construed as empowering any
 37 municipality to prohibit, regulate, control or impose a fee on any
 38 person operating any business on any state highway or land abutting
 39 any state highway pursuant to a contract with the state.

This act shall take effect as follows:	
Section 1	October 1, 2002

GL *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Effect	Municipalities	Current FY \$	FY 03 \$	FY 04 \$
STATE MANDATE - Revenue Loss	All Municipalities	-	Potential Minimal	Potential Minimal

Explanation

No state agency is responsible for regulating the activities of hawkers and peddlers.

Currently, municipalities may adopt ordinances regarding the activities of hawkers and peddlers and may charge a fee of up to \$200 annually for the license. This bill exempts veterans who have resided in the state for a period of two years just before the date of application for the permit from paying the fee. They would still need to obtain a license.

The municipalities that have adopted such ordinances and established fees for hawkers and peddlers may experience a minimal revenue loss, the extent of which is indeterminate.

OLR Bill Analysis

HB 5617

AN ACT CONCERNING RESIDENT VETERAN HAWKER AND PEDDLER FEE EXEMPTIONS**SUMMARY:**

This bill exempts certain resident veterans from paying the fee for a town hawker and peddler license. It does not exempt them from the requirement to obtain a license. The law allows towns to impose a fee up to \$200 for the license. The bill applies to veterans who have served in time of war and lived in the state for at least two years when they apply for a license.

EFFECTIVE DATE: October 1, 2002

BACKGROUND***Veterans Who Served in Time of War***

To be a "veteran who serves in time of war," a veteran must have at least 90 days of wartime service, unless separated from service earlier because of a Veterans' Administration-rated, service-connected disability or the military operation lasted fewer than 90 days and the veteran served for its duration. The law lists which wars qualify as wartime service and when they occurred.

Hawkers and Peddlers

The law allows towns to regulate hawkers and peddlers, such as by requiring them to obtain a town license. It defines "hawker and peddler" as someone who goes from town to town selling or bartering goods on foot or from an animal or vehicle. For example, someone who sells from a cart is a hawker or peddler. A hawker or peddler can be distinguished from an itinerant vendor. By law, an "itinerant vendor" is someone who engages in a temporary or transient business in a town and who occupies a space in a building or structure. For example, a craftsperson in a booth is an itinerant vendor.

COMMITTEE ACTION

General Law Committee

Joint Favorable Report
Yea 17 Nay 0