

19-2233. Exemptions from act. (a) The provisions of the transient merchant licensing act shall not apply to:

- (1) Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;
- (2) sales or displays at trade shows, expositions or conventions;
- (3) sales of goods, wares or merchandise by sample catalogue or brochure for future delivery;
- (4) sales or displays at fairs, conventions or shows operated primarily for purposes of amusement, entertainment, recreation or education;
- (5) sales or displays at sales, fairs, auctions or bazaars operated by church, religious or charitable organizations;
- (6) garage sales held on premises devoted to residential use;
- (7) sales or displays at sales or shows of crafts or items made by hand and sold, offered for sale or displayed by the individual making such crafts or handmade items;
- (8) sales of agricultural or farm, garden or aquacultural products, except nursery products and foliage plants, sold or offered for sale by the individual raising or producing such products and such person's agents or employees;
- (9) sales to the owner or legal occupant of residential premises, at such premises pursuant to an invitation issued by such owner or legal occupant;
- (10) sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools or educational institutions;
- (11) sales of paraphernalia used in the celebration of any nationally recognized holiday;
- (12) sales or displays at flea markets or at sales, exchanges or shows of antique or other personal property having an enhanced value by reason of its age or unique characteristics;
- (13) retail sales of fireworks;
- (14) sales or displays at fairs or expositions sponsored by the state, a county or another governmental entity or a convention or tourism committee created pursuant to either K.S.A. 12-1695 or 12-16,101, and amendments thereto;
- (15) sales or displays at sales, exchanges or shows of collectibles or hobby or investment items of personal property, including but not limited to pets, gems and minerals, stamps, coins, photographs and photographic equipment, guns and belt buckles;
- (16) sales or displays in connection with, and at the site of, athletic tournaments, events, contests or expositions;
- (17) events sponsored by nonprofit organizations; or
- (18) any person who has a permanent business location in this state for not less than six months in each year but who may carry on a transient business at locations in this state other than at the person's permanent business location.

(b) The exemption provided by subsection (a) shall apply regardless of whether the transient merchant is sponsoring or operating the activity giving rise to the exemption or is participating in the activity as a seller or exhibitor.

(c) A transient merchant not otherwise exempted from the provisions of this act shall not be relieved or exempted from the provisions of this act by reason of temporary association with any local dealer, auctioneer, trader, contractor or merchant or by conducting temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant.

History: L. 1985, ch. 94, § 3; L. 1986, ch. 104, § 1; L. 2005, ch. 143, § 4; July 1.