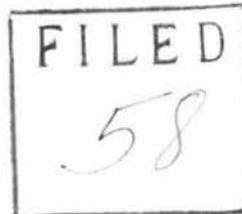


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PEDDLERS LICENSES: Is State license good in each county  
of State.

13318 R.S. No. 1929

June 7, 1933 7-6



Hon. Wade W. Maupin  
Prosecuting Attorney  
Carroll County  
Carrollton, Missouri

Dear Sir:

This department is in receipt of your letter of May 26th with a request for an opinion, the germane part of your letter which pertains to the request is set out as follows:

"I would like to have the opinion of your office on the construction to be placed on state peddlers' licenses. Under Chapter 96, R. S. 1929, and particularly Sec. 13,318, the rate on peddlers' licenses so far as the state is concerned, is set out; and by that section there is also granted power to the county to levy an additional license not exceeding the amount levied for state purposes." \* \* \*

Is it the opinion of your office that having paid a state license for the six months period as prescribed by Section 13,318 to the state, that thereafter he can pursue his calling in any county of the state by payment of the county license in those counties in which a license is required, or does he have to procure also an additional state license? I have been unable to find any Missouri cases on this point. I will appreciate very much your opinion on this subject."

Your query calls for the construction of Chapter 96 R. S. No. 1929, and particularly 13318 R. S. No. 1929, which section is as follows:

"There shall be levied and paid on all peddlers' licenses a state tax of the following rates:

First, if the peddler travel and carry his goods on foot, \$3.00 for every period of six months.

Second, if one or more horses or other beasts of burden, \$10.00 for every period of six months.

Third, if a cart or other land carriage, \$30.00 for every period of six months, and such license may be renewed at the expiration of the first license for a period not greater than six months on the payment of \$3.00 per month, the number of months to be specified in such license.

Fourth, if any boat or other river vessel, at the rate of \$1.00 per day for any period not less than five days, and such license may be renewed at the expiration of the first license for any period not greater than six months on payment of fifty cents a day, the number of days to be specified in such license. Any county court may by an order of record require all peddlers doing business in their county to pay a license tax not greater than that levied for state purpose."

We find from the reading of the above section that the statute authorizes the State to license peddlers at certain rates as set forth in the above section. And then in the last sentence of said section discretionary power is given the county court by an order of record to require all peddlers doing business in their county to pay an additional license, which license tax may not be greater than that levied for State purposes.

Section 13314 R. S. Mo. 1929, provides for the different means of transportation the peddler may use.

Section 13315 R. S. Mo. 1929, requires the county clerk to issue the peddlers license of the several kinds and deliver same

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to the county collector and charge the collector therewith.

Section 13315 R. S. No. 1929, provides for the manner of settlement by the county collector with the county court for the licenses issued and delivered and also:

" \* \* \* Said court shall cause the amount thus charged against such collector to be certified to the state auditor."

Section 13318 R. S. No. 1929, fixes the rate for each different means of transportation.

The county collectors of the respective counties are the authorized representatives of the state in the collection of the peddlers license tax. From the reading of the above sections and the naming of the license a state tax, and further making provision for county license tax in the last sentence of 13318 R. S. No. 1929, which provision is as follows:

" \* \* \* Any county court may by an order of record require all peddlers doing business in their county to pay a license tax not greater than that levied for state purposes."

It is our opinion that if a peddler pays a state license for the six months period as prescribed by Section 13318 supra, to the county collector for the State, that thereafter he may pursue his calling in each and every county of the State by complying with the additional county license tax, if the county court has exercised its discretionary powers and fixed a county rate by an order of record as provided by Section 13318. The statute does not contemplate that a peddler pay more than one state license tax for the six month period, and he is not required to pay a state license tax in each county of the State while he has a state license tax in full force and effect issued by the county collector of one county.

Yours very truly,

COVELL R. HEWITT,  
Assistant Attorney General.

APPROVED \_\_\_\_\_  
Attorney General.