

AUCTIONEERS:

Only residents of the State may engage in business or trade of auctioneering.

3-26

March 20, 1934



Honorable J. Dorr Ewing
Prosecuting Attorney
Grant City, Missouri

Dear Mr. Ewing:

This is to acknowledge your letter as follows:

"I have been handed a copy of the opinion of your department, bearing date December 22nd, addressed to Hon. N. R. Aldrich, relative to foreign auctioneers.

Is it the opinion of your department that such foreign auctioneers are violating the provisions of Section 13727, R. S. of Mo., 1929, in selling, 'livestock agricultural productions, farming utensils and household and kitchen furniture sold in the county of the owners residence.', the auctioneer not having resided in this state at all.

In other words does this section apply to auctioneers who deal exclusively in the sale of exempt property, the auctioneer being a non-resident of this state. I am,"

We are attaching hereto copy of opinion referred to in your letter because we assume you do not have same for your files.

Section 13727 R. S. 1929 provides:

"No person shall be permitted to sell any property at auction of any kind unless he shall have resided in this state six months next preceding the time of making application for license."

Chapter 111 deals with public auctioneers, and a reading of said chapter shows that the legislature intended to do two things, first, regulate and license public auctioneers, and second, collect duty by virtue of such trade or business. The regulation primarily is to assure to the state the duty levied upon the proceeds of all sales made at public auction, and in the same chapter certain property is exempt from the payment of duty. However, in reading Section 13727 R. S. 1929, supra, it is very definite in that it says that,

"No person shall be permitted to sell property at auction of any kind."

The statute does not say that a person may sell property at auction subject to duty as does Section 13718.

In your inquiry you state that foreign auctioneers, namely, those that do not reside in this state, sell products that are exempt under Section 13733 from the payment of duty and you wish to know if said 'foreign auctioneers' have to have a license.

It is our opinion that such person who sells property at auction of any kind must have a license. We call your attention to the conclusion on page 4 of the attached opinion, to-wit; "Even if these parties from Iowa desired to be licensed they could not be."

Very truly yours,

James L. Horn Bostel
Assistant Attorney General,

APPROVED:

ROY McKITTRICK
Attorney General

JLH:LC