

AUCTIONEERS:

An auctioneer may sell certain articles not subject to duty in the county without obtaining a license.

February 22, 1939

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County Court of
Howard County, Missouri
Fayette, Missouri

Attention: Honorable Dan Cuddy

Gentlemen:

In reply to your request on the question of to whom the provisions of chapter lll, Article I, referring to public auctioneers apply, will say Section 13718, R. S. Missouri, 1929, provides as follows:

"No person shall exercise the trade or business of a public auctioneer by selling any goods or other property subject to duty under this chapter, or real estate, without a license."

It will be noted that this section only requires the auctioneer to obtain a license who sells property subject to duty under chapter lll, Article I, R. S. Missouri, 1929.

Section 13733, R. S. Missouri, 1929, provides as follows:

"Sales of property at auction shall be free of duty in the following cases: * * * * * sixth, live stock, agricultural productions, farming utensils and household and kitchen furniture sold in the county of the owner's residence; * * * * *"

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It will be seen from this section that the items set out in subsection 6 of Section 13733, supra, are not subject to duty, therefore, the auctioneer would not have to have a license to sell such articles. We particularly call your attention to said subsection that those articles listed in subsection 6, supra, are only exempt from the duty when they are sold in the county of the owner's residence.

CONCLUSION.

From the foregoing it is the opinion of this department that an auctioneer, whether a public auctioneer or not, is not required to have a license to sell live stock, agricultural productions, farming utensils and household and kitchen furniture where such articles are offered for sale in the county residence of the owner.

Respectfully submitted

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