

AN ACT

To amend section 505.94 of the Revised Code to change the law that authorizes regulation of the activities of certain transient vendors by boards of township trustees and to allow such boards to prohibit these activities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 505.94 of the Revised Code be amended to read as follows:

Sec. 505.94. (A) A board of township trustees may, by resolution, require the registration of all transient vendors within the unincorporated territory of the township and may reasonably regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, or the board may, by resolution, prohibit these activities within that territory. The ~~If the board requires the registration of all transient vendors, it~~ may establish a reasonable registration fee, not to exceed seventy-five dollars for a registration period, and this registration shall be valid for a period of at least ninety days after the date of registration. Any board of township trustees that provides for the registration and regulation, or prohibition, of transient vendors under this section shall notify the ~~department of elections of the office of the secretary of state and the county prosecutor~~ prosecuting attorney of the county in which the township is located of its registration and regulatory requirements ~~and shall notify the county prosecutor of the names of all persons registered thereunder~~ or prohibition. No transient vendor shall fail to register or to comply with regulations ~~of~~ or prohibitions established by a board of township trustees under this ~~section~~ division.

This division does not authorize a board of township trustees to apply a resolution it adopts under this division to any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods.

(B) As used in this section, "transient:

(1) "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

(2) "Transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells; or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods; ~~except that "transient."~~ "Transient vendor" does not include any person who represents a ~~business or organization, including, but not limited to,~~ any entity exempted from taxation under section 5709.04 of the Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of either selling; or offering for sale goods, or soliciting orders for future delivery of goods, ~~or~~ and does not include an auction or an auctioneer company licensed under Chapter 4707. of the Revised Code.

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SECTION 2. That existing section 505.94 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____