

Chapter 36.71 RCW
PEDDLERS' AND HAWKERS' LICENSES

Sections

- 36.71.010 Peddler's license—"Peddler" defined.
- 36.71.020 Peddler's license—Application for and issuance of license.
- 36.71.030 Peddler's license—Record of applications.
- 36.71.040 Peddler's license—Cancellation of license.
- 36.71.050 Peddler's license—Liability of deposit—Lien on.
- 36.71.060 Peddler's license—Penalty for peddling without license.
- 36.71.070 Hawkers, auctioneers, and barterers must procure license—Exceptions.
- 36.71.080 Hawkers, auctioneers, and barterers must procure license—Issuance of license.
- 36.71.090 Farmers, gardeners, etc., peddling own produce exempt from license requirements—Exception.

RCW 36.71.010 Peddler's license—"Peddler" defined. The term "peddler" for the purpose of this chapter includes all persons, both principals and agents, who go from place to place and house to house, carrying for sale and offering for sale or exposal for sale, goods, wares, or merchandise except agricultural, horticultural, or farm products, which they may grow or raise, and except vendors of books, periodicals, or newspapers: PROVIDED, That nothing in this chapter shall apply to peddlers within the limits of any city or town which by ordinance regulates the sale of goods, wares, or merchandise by peddlers. [1963 c 4 § 36.71.010. Prior: 1929 c 110 § 1; 1909 c 214 § 1; RRS § 8353.]

RCW 36.71.020 Peddler's license—Application for and issuance of license. Every peddler, before commencing business in any county of the state, shall apply in writing and under oath to the appropriate county official of the county in which he or she proposes to operate for a county license. The application must state the names and residences of the owners or parties in whose interest the business is to be conducted. The applicant at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares, and merchandise that is in the county for sale or to be kept or exposed for sale in the county, make a special deposit of five hundred dollars, and pay the county license fee as may be fixed under the authority of RCW 36.32.120(3).

The appropriate county official shall thereupon issue to the applicant a peddler's license, authorizing him or her to do business in the county for the term of one year from the date thereof. Every county license shall contain a copy of the application therefor, shall not be transferable, and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his or her own proper person. [2009 c 549 § 4121; 1985 c 91 § 3; 1963 c 4 § 36.71.020. Prior: 1927 c 89 § 1; 1909 c 214 § 3; RRS § 8355.]

RCW 36.71.030 Peddler's license—Record of applications. The appropriate county official of each county shall keep on file all applications for peddlers' licenses that are issued. All files and records shall be in convenient form and open to public inspection. [1985 c 91 § 4; 1963 c 4 § 36.71.030. Prior: 1909 c 214 § 4; RRS § 8356.]

RCW 36.71.040 Peddler's license—Cancellation of license. Upon the expiration and return of a county license, the appropriate county official shall cancel it, indorse thereon the cancellation, and place it on file. After holding the special deposit of the licensee for a period of ninety days from the date of cancellation, he or she shall return the deposit or such portion as may remain in his or her hands after satisfying the claims made against it. [2009 c 549 § 4122; 1985 c 91 § 5; 1963 c 4 § 36.71.040. Prior: 1909 c 214 § 5; RRS § 8357.]

RCW 36.71.050 Peddler's license—Liability of deposit—Lien on. Each deposit made with the county shall be subject to all taxes legally chargeable thereto, to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his or her license, and the county may be held to answer as trustee in any civil action in contract or tort brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. Such deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of RCW 36.71.010, 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien upon the deposit and shall be collected in the manner provided by law. [2009 c 549 § 4123; 1985 c 91 § 6; 1963 c 4 § 36.71.050. Prior: 1909 c 214 § 6; RRS § 8358.]

RCW 36.71.060 Peddler's license—Penalty for peddling without license. Every peddler who sells or offers for sale or exposes for sale, at public or private sale any goods, wares, or merchandise without a county license, is guilty of a misdemeanor and shall be punished by imprisonment for not less than thirty days nor more than ninety days or by fine of not less than fifty dollars nor more than two hundred dollars or by both. [2003 c 53 § 207; 1963 c 4 § 36.71.060. Prior: 1909 c 214 § 2; RRS § 8354.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 36.71.070 Hawkers, auctioneers, and barterers must procure license—Exceptions. (1) If any person sells any goods, wares, or merchandise, at auction or public outcry, or barter goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket or other package carried on foot without first having obtained a license therefor from the board of county commissioners of the county in which such goods are sold or bartered, he or she shall be guilty of a misdemeanor, and upon

conviction shall be fined not less than five nor more than fifty dollars, and shall stand committed to the county jail of the county in which the conviction is had until such fine and cost of prosecution are paid, or discharged by due course of law: PROVIDED, That this section shall not be construed as to apply to any seagoing craft or to administrators or executors selling property of deceased persons, or to private individuals selling their household property, or furniture, or farming tools, implements, or livestock, or any produce grown or raised by them, either at public auction or private sale.

(2) Notwithstanding subsection (1) of this section, counties shall not license auctioneers that are licensed by the state under chapter 18.11 RCW. [2009 c 549 § 4124; 1984 c 189 § 6; 1963 c 4 § 36.71.070. Prior: 1879 p 130 § 1; 1873 p 437 § 1; RRS § 8341.]

RCW 36.71.080 Hawkers, auctioneers, and barterers must procure license—Issuance of license. The county legislative authority may, by its order, direct the appropriate county official to issue a license to any person to do any business designated in RCW 36.71.070 for such sum as may be fixed under the authority of RCW 36.32.120(3). [1985 c 91 § 7; 1963 c 4 § 36.71.080. Prior: 1873 p 438 § 3; RRS § 8342.]

RCW 36.71.090 Farmers, gardeners, etc., peddling own produce exempt from license requirements—Exception. It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as defined in this section. However, nothing in this section authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such activity in such city or town. [2017 3rd sp.s. c 8 § 56; 2003 c 387 § 5; 2002 c 301 § 9; 1984 c 25 § 4; 1963 c 4 § 36.71.090. Prior: 1917 c 45 § 1; 1897 c 62 § 1; RRS § 8343.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Finding—Effective date—2002 c 301: See notes following RCW 77.65.510.