



City of Bartlesville
Community Development Department
401 S. Johnstone Avenue
Bartlesville, OK 74003

Dear Transient Merchant License Applicant:

The Oklahoma Legislature has enacted the Transient Merchant Licensing Act. The Act requires that any transient merchant who desires to transact business in any county in the State of Oklahoma must apply for and obtain a license in each county in which the merchant desires to transact business.

You must obtain a transient merchant license if you are a person, firm, corporation, partnership or other entity which engages in, does, or transacts any temporary or transient business in this state, either in one locality or in traveling from place to place in the State of Oklahoma which offers for sale or sells goods, wares, merchandise, or services, including merchants who hire, lease, use or occupy any building, structure, motor vehicle, railroad car, or real estate.

You must also obtain a transient merchant license if you have a business which is a home improvement service, including but not limited to siding, roofing or resurfacing services, engaged in the sale or the offer of sale of goods carried on in a building, structure, motor vehicle, mobile home, travel trailer, railroad car or real estate for a term of less than two (2) years.

The following businesses or situations are exempt from the Transient Merchant Act:

1. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;
2. Wholesale trade shows or conventions;
3. Sales of goods, wares or merchandise by sample, catalog or brochure for future delivery;
4. Fairs and convention center activities conducted primarily for amusement or entertainment;
5. Any general sale, fair, auction or bazaar sponsored by any church or religious organization;
6. Any sale sponsored by schools and universities or any charitable organization;
7. Trade fairs;
8. Flea markets;
9. Garage sales held on premises devoted to residential use;
10. Sales of crafts or items made by hand and sold or offered for sale by the person making them;
11. Sales of agricultural products (for example, Christmas trees or firewood);
12. Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises;
13. Any person who maintains a permanent place of business in the State of Oklahoma **and** City of Bartlesville and has a registered agent therein upon whom process, notice or demand permitted by law may be made;
14. Any person whose participation with a “transient merchant” or in the “temporary or transient business” is limited to providing any building, structure, motor vehicle, railroad car or real estate;
15. Fireworks; or
16. Bibles.

A transient merchant will not relieve himself from the provisions of the Transient Merchant Licensing Act by reason of associating himself temporarily with a local dealer, auctioneer, trader, contractor, or merchant.

Prior to applying for a City business license, you must fill and obtain approval of the following document from the Court Clerk of Washington County, Oklahoma. Approval of this document by Washington County requires the payment of a license fee in the amount of fifty dollars (\$50.00) along with a cash or surety bond issued by a corporate surety licensed to do business in Oklahoma. The bond is in the amount of two-thousand dollars (\$2,000.00) or five percent (5%) of any goods, wares, merchandise or services offered for sale, whichever sum is lesser.

Once you obtain approval of this document from the Court Clerk of Washington County, Oklahoma, bring a copy of the approved document to the Bartlesville Community Development Department. At that time, you will provided guidance in obtaining the required City of Bartlesville licenses required for transient merchants.

For questions or more information on the Transient Merchant License Application, please contact the Washington County Court Clerk's office at 918-337-2870.

State of Oklahoma)
)
County of Washington)

Application

To the Court Clerk of Said County:

Pursuant to the requirements of 19 O.S. § 1601 et seq., I hereby make application for a transient merchant license, and submit the information given below:

1. The name of transient merchant: _____
2. The permanent address of transient merchant: _____

3. The applicant is or is not a firm or corporation.
4. If the applicant is a firm or corporation, list the names and addresses of the members of the firm or the officers of the corporation:

5. If the transient merchant license applicant is a corporation, give the following information concerning incorporation:
 - A. Date of incorporation: _____
 - B. State of incorporation: _____
 - C. If the applicant is not an Oklahoma corporation, what is the date the corporation was qualified to transact business as a foreign corporation in the State of Oklahoma?

6. The applicant proposes to conduct the following described business: _____

7. The applicant plans to transact the business described in item 6 for the following length of time:

8. The applicant will conduct the proposed business at the following location:

9. The name and permanent address of transient merchant's registered agent or office is as follows:

10. Applicant has attached all receipts or statements showing that all personal property taxes due on goods, wares or merchandise to be offered for sale have been paid.

11. Applicant has attached the written agreement of _____ who has agreed to serve as the agent of the above-listed transient merchant. The agent is a resident of the country wherein this application is being made and his/her address is as follows:

12. Applicant is (*check one*):

_____ The transient merchant listed in item #1;

_____ An employee of the firm or corporation making application to obtain this license;

_____ A member of the partnership making application to obtain this license.

I hereby certify that the above information is true and correct. I also hereby certify that all other required county and state permits and licenses have been obtained.

Dated at _____, Oklahoma, the _____ day of _____, 20_____.

Applicant Signature

Subscribed and sworn to before me this _____ day of _____, 20_____.

Court Clerk

Deputy

Supplied herewith is:

- 1) A license fee of fifty dollars (\$50.00),
- 2) A cash bond or a surety bond issued by a corporate surety authorized to do business in the State of Oklahoma in the amount of \$2,000 or 5% of any goods, wares, merchandise or services offered for sale, whichever sum is less.
- 3) The Agreement in writing of the person listed above as agent for the transient merchant to serve in such capacity.
- 4) The receipts or statements showing that any personal property taxes due on goods, wares, or merchandise to be offered for sale have been paid.