

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1409** Session of  
1979

INTRODUCED BY PERZEL, MAY 30, 1979

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 30, 1979

AN ACT

1 Authorizing the Commonwealth to impose license requirements on  
2 all street sellers in cities of the first class; establishing  
3 a license fee; imposing additional powers and duties on the  
4 Department of Revenue; fixing a penalty and making an  
5 appropriation.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the "Commonwealth  
10 Street Seller's License Act."

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have, unless the context clearly indicates otherwise, the  
14 meanings given to them in this section:

15 "Department." The Pennsylvania Department of Revenue.

16 "Display devices." Any motor vehicle or animal-pulled  
17 vehicle, any other vehicle, wheeled cart, wagon, portable booth,  
18 stand, table, shelves or other devices of a similar nature  
19 utilized by street sellers to display items offered for sale.

20 "Items offered for sale." The term means and includes any

1 food, refreshments, dairy products, bakery products,  
2 agricultural or horticultural products, clothing, jewelry,  
3 trinkets or goods of any other nature.

4 "License." The Commonwealth Street Seller's License issued  
5 by the department pursuant to section 3.

6 "Street seller." Any individual, limited partnership,  
7 partnership, corporation or association who or which owns,  
8 operates or leases to any other street seller any display  
9 devices for the purpose of selling or offering for sale to the  
10 general public on any street, sidewalk, alley, way, square or  
11 any other area of public access, any food, dairy products,  
12 bakery products, agricultural or horticultural products,  
13 clothing, jewelry, trinkets or goods of any other nature.

14 Section 3. License.

15 (a) Ninety days after the effective date of the act, no  
16 street seller in any city of the first class shall engage in  
17 selling in such city unless or until said street seller has  
18 obtained from the Department of Revenue an annual Commonwealth  
19 Street Seller's License.

20 (b) Every application for a license shall be submitted to  
21 the department. The application shall be in such form, contain  
22 such information and be submitted in such manner as the  
23 department shall establish by regulation.

24 (c) Every application for a new license or an annual license  
25 renewal shall be accompanied by a fee of \$500 to be paid to the  
26 department by certified check or money order.

27 (d) Every street seller who obtains a license shall  
28 conspicuously display that license on his person or on the  
29 display device utilized to show the general public the items  
30 offered for sale.

1 Section 4. Powers and duties of the department.

2 The Department of Revenue shall have the following powers and  
3 duties:

4 (1) Establish the form of the application and license  
5 along with all pertinent information the department deems  
6 necessary.

7 (2) Determine the specific items to be covered within  
8 the general classes set forth in the definition.

9 (3) Determine the requisites necessary to conspicuously  
10 display the license.

11 (4) Enforce the penalty provisions of this act.

12 (5) Do all things necessary to implement and administer  
13 the provisions of this act.

14 Section 5. Penalty.

15 Any street seller who violates the provisions of section 3(a)  
16 or (d) shall upon conviction thereof be guilty of a misdemeanor  
17 of the second degree and shall be sentenced to pay a fine of  
18 \$5,000 and to surrender to the Commonwealth all display devices  
19 and items offered for sale which were seized as evidence.

20 Section 6. Appropriation.

21 The sum of \$310,000 is hereby appropriated to the Department  
22 of Revenue for the purpose of obtaining 20 new employees to  
23 implement and enforce the provisions of this act.

24 Section 7. Effective date.

25 This act shall take effect in 60 days.