

13-32-102 Definitions.

- (1) "Manufacturer's or distributor's representative" means a person who has available for public inspection written proof of authorization from the manufacturer or distributor of a product to offer that product for public retail sale.
- (2) "New and unused property" means tangible personal property that:
 - (a) was acquired by the vendor directly from the producer, manufacturer, wholesaler, or retailer of that property in the ordinary course of business;
 - (b) has never been used since its production or manufacturing; and
 - (c) if the property was packaged when originally produced or manufactured, is in its original and unopened package or container.
- (3)
 - (a) "Swap meet" or "flea market" means an event at which personal property is offered for sale or exchange:
 - (i) by two or more persons and a fee is charged to vendors for the privilege of offering or displaying such personal property or to prospective buyers for admission to the area where such personal property is offered or displayed for sale; or
 - (ii) if the event is held more than six times in any 12-month period, regardless of the number of persons offering or displaying personal property or the absence of fees.
 - (b) The terms "swap meet" and "flea market" do not include any events:
 - (i) that are organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated exclusively for religious, educational, or charitable purposes; or
 - (ii) at which all of the personal property offered for sale or displayed is new and unused property, and all persons selling, exchanging, offering, or displaying the personal property are manufacturer's or distributor's representatives.
- (4) "Vendor" means a person who offers for sale or exchange six or more like items of new and unused property at a swap meet or flea market in this state.

Enacted by Chapter 68, 1999 General Session