

REQUIREMENTS FOR COMPLETING
A TRANSIENT MERCHANTS LICENSE APPLICATION

The State of North Dakota requires those who conduct temporary or transient business within this state to obtain a State Transient Merchant's License from the Attorney General's Office.

A business selling livestock or agricultural products is exempt from the requirement to obtain a transient merchant's license. In addition, any business that has an account with Workforce Safety and Insurance (this does not include those who have filed an affidavit), pays contributions to Job Service North Dakota, and who has a sale and use tax permit is not required to obtain a state transient merchant license. Should your company meet these exceptions, please contact our office to discuss a formal letter of exception.

It is required that each employee, agent, or company representative who will conduct business on behalf of the licensed transient merchant in this state to have in their possession at all times a transient merchant's license. Each employee, agent, or company representative will be issued a transient merchant license in their name. The individual transient merchant license is not transferable. A company **must** obtain a new transient merchant license for each new or replacement employee, agent, or company representative for the entire period of time that the license is active (no additional fee is required). Until a license has been issued and is in the possession of all of a company's employees, agents, or company representatives, no business may be conducted in the state.

The transient merchant license is valid in all counties of the state for one year from the date of issuance. Each licensed transient merchant must verify independently with any city or county within the state where they intend to conduct business for any additional licenses or permits that may be required. All state laws and city/county ordinances must be complied with at all times while conducting business in this state.

The following procedure should be used in applying for a transient merchant's license:

1. Complete the enclosed application form fully. Be certain to sign the form before a notary public.
2. Enclose the \$200 license fee. Payment should be made payable to the Office of Attorney General or AGO.
3. Enclose a photocopy of your North Dakota sales tax permit. If you are not certain of your requirement to have a sales tax permit, please contact the North Dakota State Tax Commissioner's Office at (701) 328-7088.
4. If applicable, submit an inventory and price list of all merchandise that will be sold in the state.
5. A list of all employees/agents/representatives doing business in the state is required. It must include the following: name, home address, telephone number, and a signed photograph. (Recognizable copy of driver's license will suffice in place of a photograph.)
6. Corporations, limited liability companies, etc., must be properly registered with the North Dakota Secretary of State. To register your business with the Secretary of State's office, please call (701) 328-4284 or visit their website at www.nd.gov/sos.
7. For an initial application, a transient merchant surety bond (or cash in lieu bond) is required. Please contact the Attorney General's office at (701) 328-2329 for determination of the bond amount. The enclosed bond form should then be taken to an insurance company for processing. Samples of completed bond forms are available on the Attorney General's website at www.ag.nd.gov – Licensing/Transient Merchant.
8. If the transient merchant license is being renewed, provide documentation to substantiate that your transient merchant surety bond continues to be active.

If you have any questions, please feel free to contact the Licensing Section at (701) 328-2329.

Return all documents to:
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
600 E BOULEVARD AVE DEPT. 125
BISMARCK, ND 58505-0040