

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

May 11, 1976

ATTORNEY GENERAL OPINION NO. 76- 152

Mr. Robert L. Pinet
Franklin County Attorney
Franklin County Courthouse
Ottawa, Kansas 66067

Re: New Goods Public Auction Law--License Requirements

Synopsis: The New Goods Public Auction Law requires the licensing of all persons who conduct auctions falling within the purview of said act within the state of Kansas.

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Dear Mr. Pinet:

You have requested an opinion inquiring whether the provisions of K.S.A. 58-1014 *et seq.*, require the licensing of all individuals conducting new goods public auctions within this state.

K.S.A. 58-1016 provides:

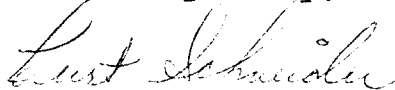
"It shall be unlawful for any person to sell, dispose of, or offer for sale at public auction in this state any new goods, wares or merchandise, unless such person and the owners of such new goods, wares or merchandise to be offered for sale or sold if such are not owned by the vendors, shall have first secured a license as herein provided and shall have complied with the other requirements of this act."

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The provisions of this statute appear at once clear and unambiguous. The language of the entire act manifests an intent by the legislature to include *all* individuals who conduct new goods public auctions to be licensed as evidenced by the repeated employment of the term "any person" (*see*, K.S.A. 58-1016, -1017, -1022 and -1024). We find no evidence to indicate that the act addresses itself in any way to sub-categories of the term "any person."

Accordingly it is the opinion of this office that the New Goods Public Auction Law requires the licensing of all individuals who desire to conduct new goods public auctions within this state irrespective of their state, county or municipal residency.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj