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A BILL FOR AN ACT

To amend title 32 of the Code of the Federated States of Micronesia by adding a new chapter 5 concerning peddlers; to further amend title 50 of the Code of the Federated States of Micronesia, as amended by Public Law No. 4-25, by amending section 103 by adding a new subsection (3) to provide for peddler's permits; by renumbering subsections (3) through (9) of section 103; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Title 32 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 501 of chapter
3 5 to read as follows:

4 "Section 501. Definitions. As used in this chapter,
5 unless common sense or the context otherwise requires:

6 (1) 'Noncitizen peddler' means a person who is
7 a peddler pursuant to the definition in subsection (2)
8 of this section and is neither a citizen nor a national
9 of the Federated States of Micronesia.

10 (2) 'Peddler' means a person who travels from house
11 to house, village to village, or island to island, for
12 the purpose of selling or taking orders for the purchase
13 of goods or services, who is without local place of
14 habitation or local place of business. The term 'peddler'
15 includes peddlers, hawkers, solicitors, itinerant vendors,
16 transient vendors, itinerant traders, transient traders,
17 itinerant merchants, transient merchants, traveling
18 merchants, drummers, traveling salespersons, and the like,
19 whether engaged in wholesale or retail sales. The term
20 'peddler' shall only apply to citizen peddlers if they are
21 engaged in interstate commerce. The term 'peddler' does not
22 apply to persons who make only a single or occasional sale."

23 Section 2. Title 32 of the Code of the Federated States of
24 Micronesia is hereby amended by adding a new section 502 of chapter
25 5 to read as follows:

R+D

C.B. No. 4-333

1 "Section 502. Immigration requirements. All noncitizen
2 peddlers entering the Federated States of Micronesia for the
3 purpose of doing business must obtain a peddler's permit as
4 described in subsection (3) of section 103 of title 50 of
5 the Code of the Federated States of Micronesia."

6 Section 3. Title 32 of the Code of the Federated States of
7 Micronesia is hereby amended by adding a new section 503 of chapter
8 5 to read as follows:

9 "Section 503. Taxation. Peddlers shall be subject to all
10 applicable national taxes, including, but not limited to,
11 the gross revenue and import taxes established pursuant to
12 title 54 of the Code of the Federated States of Micronesia."

13 Section 4. Title 32 of the Code of the Federated States of
14 Micronesia is hereby amended by adding a new section 504 of chapter
15 5 to read as follows:

16 "Section 504. Foreign investment permits. Noncitizen
17 peddlers must comply with the foreign investment permit
18 requirements of chapter 2 of this title."

19 Section 5. Title 32 of the Code of the Federated States of
20 Micronesia is hereby amended by adding a new section 505 of chapter
21 5 to read as follows:

22 "Section 505. Other National and State laws. Nothing in
23 this chapter shall be construed as exempting peddlers from
24 other National and State laws, including laws concerning
25 requirements for business licenses."

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1 Section 6. Title 32 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 506 of chapter
3 5 to read as follows:

4 "Section 506. Compliance. If a peddler does not make a
5 good faith effort to substantially comply with this chapter,
6 any sales made or contracts entered into while he is in
7 violation of this chapter shall be considered void, and the
8 peddler shall not be entitled to relief in the Supreme Court
9 of the Federated States of Micronesia in any action he
10 brings for accounts due on such sales or contracts. This
11 legal disability shall be in addition to, and not a
12 substitute for, any other legal consequences of
13 noncompliance."

14 Section 7. Title 32 of the Code of the Federated States of
15 Micronesia is hereby amended by adding a new section 507 of chapter
16 5 to read as follows:

17 "Section 507. Separability. If any part of this chapter
18 is declared unconstitutional by a court of competent
19 jurisdiction, that decision shall not affect any portion
20 of the chapter which remains, and the remainder shall be
21 in full force and effect as if the portion declared
22 unconstitutional had never been a part of the act. If
23 the application of this chapter to a particular type or
24 class of peddler is declared unconstitutional by a court
25 of competent jurisdiction, this chapter shall remain in

R+D

C.B. No. 4-333

1 force as it applies to peddlers not of that type or within
2 that class."

3 Section 8. Section 103 of title 50 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 103. Entry permits - Types.

6 (1) A permit is not required for a person visiting for
7 thirty days or less. For a visit in excess of thirty days
8 a permit may be issued for an additional period not to
9 exceed sixty days.

10 (2) A visitor's permit for any lawful purpose,
11 including performance of necessary services on a short-
12 term contractual basis, may be issued for a period of
13 specified duration reflecting the time necessary to
14 accomplish the purpose.

15 (3) Notwithstanding any provision of subsections
16 (1) and (2) of this section, a person entering the
17 Federated States of Micronesia for the purpose of
18 engaging in business as a noncitizen peddler, as defined in
19 section 501 of title 32 of the Code of the Federated
20 States of Micronesia, shall be issued a peddler's
21 permit.

22 (~~3~~4) An alien worker's permit shall be issued to a
23 noncitizen entering the Federated States of Micronesia upon
24 compliance with all National laws relating to private or
25 governmental employment for the period in which the employ-

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1 ment of the alien worker is authorized by contract. The
2 permit shall be renewed upon extension or renewal of the
3 alien's lawful employment status.

4 (45) A foreign investor's entry permit shall be issued
5 for a specified duration and may be renewed upon renewal or
6 extension of such foreign investor's business permit.

7 (56) A researcher's entry permit shall be issued for
8 research in the fields of endeavor that the President deems
9 in the best interest of and for the well-being of the
10 citizens of the Federated States of Micronesia; provided
11 that the President receives from the researcher's intended
12 place of stay prior permission for his entry. The President
13 may attach thereto such conditions or restrictions as he
14 deems necessary.

15 (67) A missionary's permit shall be issued to a duly
16 ordained, licensed, and certified minister or clergyman. A
17 missionary's permit may also be issued to persons whose
18 activities are substantially connected with religious or
19 missionary work as determined by the President.

20 (78) An entry permit shall be issued to a lawful spouse
21 of a citizen. The permit shall be revoked or shall be denied
22 upon a finding that the parties are divorced or irrecon-
23 cilably separated, or that the citizen-spouse is deceased.
24 The President or his designee has the authority to grant
25 or reissue the permit for indefinite duration upon a

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1 finding of hardship.

2 (89) A dependent's entry permit may be issued to an
3 unmarried child, under the age of eighteen, or a
4 noncitizen spouse subject to the conditions in subsection
5 (78) of this section.

6 (910) A spouse or unmarried child under the age of
7 eighteen of any noncitizen principal listed in this section
8 except subsection (89) may be issued an entry permit for
9 the duration of the principal's entry permit and may be
10 renewed upon renewal of the principal's entry permit."

11 Section 9. This act shall take effect 90 days after approval
12 by the President of the Federated States of Micronesia, or 90 days
13 after its becoming law without such approval.

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15 Date: 10-16-86

Introduced by: Isaac V. Figir

Isaac V. Figir

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