

1-1-1932

## Store Licenses

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### Recommended Citation

Store Licenses California Initiative 1932-s-2 (1932).  
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File: 1932 - 5 - 2

**MR. FIG NEWTON ANTI-MONOPOLY ACT**  
**"INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS"**

SECTION OF INITIATIVE PETITION

Circulated in the ..... County of **Los Angeles** ..... State of California.  
To the Secretary of State of the State of California:

The undersigned, qualified electors of the State of California and the **Los Angeles** ..... County of, State of California, hereby present this petition to the Secretary of the State of California, and ask that the following Act be submitted to the electors for their approval:

The Attorney-General has summarized the proposed measure as follows:

**STORE LICENSES.** Initiative. Prohibits opening, operating or maintaining, any store without license from Secretary of State; defines store as one or more stores, mercantile establishments, gasoline or oil stations, theatres, or vehicles, under same ownership, operation, maintenance or control, wherein goods, wares or merchandise, are sold at retail or wholesale; fixes amount of annual license fee according to number of stores of licensee; apportions fees to old age pension fund and general fund; exempts manufacturer, gardener, farmer, vineyardist or horticulturist, who sells his products where manufactured or produced. Fixes maximum hours of labor in stores as herein defined.

The people of the State of California do enact as follows:

Section I. That it shall be unlawful for any person, firm, corporation, association or co-partnership, either foreign or domestic, to operate, maintain, open or establish any store in this state without first having obtained a license so to do from the Secretary of State, as hereinafter provided.

Sec. II. Any person, firm, corporation, association, or co-partnership desiring to operate, maintain, open or establish a store, theatre, mercantile establishment, gasoline station, or vehicle where such vehicle retails articles and for commodities for public consumption in this state shall apply to the Secretary of State for a license so to do. The application for a license shall be made on an affidavit form which shall be prescribed and furnished by the Secretary of State, and shall set forth the name of the owner or lessor of the premises where the business is to be conducted; name of the owner, manager, trustee, operator, agent, receiver or other person desiring such license; the name of such store; the location, including the county, city, street and number; and such other facts as the Secretary of State may require. Such application shall not be considered by the Secretary of State, unless prior to the filing thereof, it shall have been sworn to and verified by the applicant; where the applicant is a corporate body or an association of four or more individuals, and/or firms, such verification shall be sworn to by an agent of such body or association first duly authorized,—a copy of such authorization accompanying each such application.

If the applicant desires to operate, maintain, open or establish more than one such store or theatre, mercantile establishment, gasoline station, or vehicle where such vehicle retails articles and/or commodities for public consumption, he shall make a separate application for a license to operate, maintain, open or establish each such store or theatre, mercantile establishment, gasoline station, or vehicle where such vehicle retails articles and/or commodities for public consumption, but the respective stores for which the applicant desires to secure licenses and such other stores as may have been there-to-fore licensed, must be listed on each application blank.

Where the applicant is an agent, manager, and/or trustee, such applicant shall set forth in detail his principal or principals, his employer or employers, his trustor or cestui que; where the applicant is a firm, corporation, or association, the controlling interest in which is held by any other firm, corporation, partnership or association, the application must be considered and construed as the application of such controlling firm, corporation, partnership, and/or association, and the license fees as provided for in Section five (5) herein, shall be computed and determined on the basis of the number of such other stores, mercantile establishments, theatres, gasoline stations, or vehicles retailing articles and/or commodities for public consumption. Each such application shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in Section V of this act.

Sec. III. As soon as practicable after the receipt of any such application, the Secretary of State shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon examination, the Secretary of State shall find that such application is not in proper form, and does not contain the necessary and requisite information, he shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fees, as herein prescribed, shall have been paid, the Secretary of State shall issue the applicant a license for each store for which an application for license shall have been made. Each license shall display such license in a conspicuous place in the store for which such license is issued.

Sec. IV. All licenses shall be so issued as to expire the thirty-first day of December of each calendar year. On or before the first of January of each year every person, firm, corporation, association or co-partnership having a license, shall apply to the Secretary of State for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the Secretary of State. No license shall lapse prior to the thirty-first day of January of the year next following the year for which such license was issued, and if, by such thirty-first day of January, an application for a renewal license has not been made, the Secretary of State shall notify such delinquent license holder thereof, by registered mail, and if application is not made for and a renewal license issued on or before the last day of February, next ensuing, the former license shall lapse and become null and void. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in Section V of this act.

Sec. V. Every person, firm, corporation, association or co-partnership opening, establishing, operating, or maintaining one or more stores, mercantile establishments, gasoline stations, theatres, or vehicles where such vehicles retail articles and/or commodities for public consumption within this State, under the same general management, supervision, ownership or control as herein before designated, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating, or maintaining such stores, theatres, mercantile establishments, gasoline stations, or vehicles retailing articles and/or commodities for public consumption. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee prescribed in sections II and IV of this act. The license fee herein prescribed shall be as follows: (1) Upon one store, the annual license fee shall be five dollars for each such store, theatre, mercantile establishment, gasoline station or vehicle retailing articles and/or commodities for public consumption: (2) Upon two stores, the annual fee shall be five hundred dollars (\$500.00) for the second store; from three to nine stores one thousand dollars (\$1000.00) commencing with the third store; from ten to nineteen stores, fifteen hundred dollars (\$1500) commencing with the tenth store; from twenty or more stores, twenty-five hundred dollars each commencing with the twentieth store. It is herein declared to be the purpose of this act to tax the stores on a graduated scale and the first twenty stores or less or each applicant shall be taxed on the graduated scale herein above prescribed. The term store as used in this section in prescribing fees to be paid is defined as including stores, theatres, mercantile establishments, gasoline stations, and/or vehicles retailing articles and/or commodities for public consumption.

Sec. VI. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate, as prescribed in Section V of this act.

Sec. VII. The provisions of this act shall be construed to apply to every person, firm, corporation, co-partnership or association either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association or ultimate management, provided, however, that the provisions of this act shall not apply to a manufacturer, gardener, farmer, vineyardist, or horticulturist who manufactures, or sells their own products at their factory, garden, farm, vineyard, or orchard.

Sec. VIII. The term "store" as used in this act shall be construed to mean and include any store or stores, or any mercantile establishment or establishments, or gasoline and oil station or stations, theatre or theatres, vehicle or vehicles retailing articles and/or commodities for public consumption, which are owned, operated, maintained or controlled by the same person, firm, corporation or association, either domestic, or foreign, in which goods wares, or merchandise of any kind, are sold, either at retail or wholesale.

Sec. IX. Any person, firm, corporation, copartnership, or association, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars, nor more than two hundred and fifty dollars, and each and every day that such violation shall continue shall constitute a separate and distinct offense.

Sec. X. Any and all expenses incurred by the Secretary of State in the administration of this Act shall be paid out of the general fund of the State Treasury. All money collected under the provisions of this act, shall be paid into the State Treasury daily, by the Secretary of State, sixty per cent of said money to the amount of three hundred and fifty thousand dollars annually shall be credited to the aged pension fund, Chapter 530, Statute 1929, and the remainder to be paid into the general fund of the State Treasury.

Sec. XI. It shall be unlawful for any person coming under the jurisdiction of this act to work employees more than eight hours each day, and forty-eight hours constitutes a weeks work. Any violation of this section shall be interpreted in the light of and in harmony with the respective labor boards of the municipalities and/or counties wherein such violation may be practiced or committed; where no such municipal or county labor board exists, than in the light of and in accordance with the rule and regulations of the State Labor Commission.

Sec. XII. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The people hereby declare that they would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of any section or sections that may be hereinafter held to be unconstitutional.

This act is drafted by

IRVING FIG NEWTON, Los Angeles, California.