



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 4

**Senate
Amendment 2**

Memo published: March 19, 2009

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

2009 Senate Bill 4 provides that no person may employ, offer to employ, or otherwise recruit an individual to work as a traveling sales crew worker without first obtaining a certification of registration from the Department of Workforce Development (DWD).

The bill defines “traveling sales crew” as two or more individuals who are employed as salespersons or in related support work, who travel together as a group, and who are absent overnight from their permanent places of residence for the purpose of selling goods or services to consumers from house to house, on any street, or in any other place that is open to the public. “Traveling sales crew” does not include two or more individuals who are traveling together for the purpose of participating in a trade show or convention or two or more immediate family members who are traveling together for the purpose of selling goods or services. In the bill, “traveling sales crew activities” is defined as the sale of goods or services to consumers from house to house, or in any other place that is open to the public or related support work.

The bill places requirements on a person who employs traveling sales crew workers such as providing a disclosure statement to each worker providing information such as the place of employment, compensation, and work hours; ensuring that motor vehicles used to transport workers are properly maintained and operated; providing insurance coverage; and requiring each worker to carry a permit that is stamped by any city, village, or town in which the worker will be conducting sales activities.

Senate Amendment 2 creates a definition of “consumer.” Under the amendment, “consumer” means an individual to whom a seller sells, offers to sell, or advertises or promotes the sale of consumer goods or services. Under the amendment, “consumer” does not include an individual who purchases goods or services in a business or governmental capacity or for resale to others. In addition, the amendment defines “consumer goods or services” to mean goods or services, including personal investment opportunities, personal business opportunities, and personal training courses, that are typically used for personal, family, or household purposes.

The amendment also modifies the definition of “traveling sales crew activities” to provide that the term does not include the sale of consumer goods or services from a fixed location at a concert, festival, carnival, street fair, public exhibition, or other similar special event with the permission of the organizer of the special event.

Finally, the amendment makes several clarifications to the bill. First, the amendment makes explicit that, when presented with a permit to be stamped by a city, village, or town, the city, village or town clerk is required to stamp the permit of a traveling sales crew worker. Second, the amendment corrects a reference to DWD regarding denying a certification to employ traveling sales crews if the applicant is delinquent in child support payments to instead refer to the Department of Children and Families which currently administers the child support program. Third, on the recommendation of the Department of Agriculture, Trade and Consumer Protection, the amendment modifies a provision relating to offenses which disqualify a person from receiving a certification to more accurately describe violations under the unfair competition statute.

Legislative History

Senate Amendment 2 was offered by the Senate Committee on Children, Families and Work Force Development. On March 17, 2009, the committee recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

AS:ksm