

2013 Assembly Bill 412 (LRB -3074)

An Act to create 104.01 (2) (b) 5. of the statutes; relating to: exemption of outside salespersons from the minimum wage law.

2013

- 10-04. A. Introduced by Representatives **Born, Kestell** and **Jacque**; cosponsored by Senator **S. Fitzgerald**. ..... 328
- 10-04. A. Read first time and referred to Committee on Labor ..... 328
- 10-23. A. Public hearing held
- 10-29. A. Executive action taken
- 10-31. A. Report passage recommended by Committee on Labor, Ayes 5, Noes 3 ..... 394
- 10-31. A. Referred to Committee on Rules ..... 394
- 11-07. A. Placed on calendar 11-12-2013 by Committee on Rules
- 11-12. A. Read a second time ..... 432
- 11-12. A. Ordered to a third reading ..... 433
- 11-12. A. Rules suspended ..... 433
- 11-12. A. Read a third time and **passed**, Ayes 56, Noes 38 ..... 433
- 11-12. A. Ordered immediately messaged ..... 433
- 11-13. S. Received from Assembly ..... 494
- 11-14. S. Read first time and referred to committee on Senate Organization ..... 496
- 11-14. S. Available for scheduling

2014

- 03-31. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0 ..... 821
- 03-31. S. Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1) ..... 822
- 04-01. S. Read a second time
- 04-01. S. Ordered to a third reading
- 04-01. S. Rules suspended
- 04-01. S. Read a third time and **concurred in**, Ayes 18, Noes 15
- 04-01. S. Ordered immediately messaged
- 04-02. A. Received from Senate concurred in

SB

**2013**  
**ENROLLED BILL**

13en AB-412

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**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

13 - 307411

**Amendments to above (if none, write "NONE"):** None

**Corrections - show date (if none, write "NONE"):** None

**Topic** Rel

4-2-14

**Date**

*Miller*

**Enrolling Drafter**



## 2013 ASSEMBLY BILL 412

October 4, 2013 – Introduced by Representatives BORN, KESTELL and JACQUE,  
cosponsored by Senator S. FITZGERALD. Referred to Committee on Labor.

1     **AN ACT** *to create* 104.01 (2) (b) 5. of the statutes; **relating to:** exemption of  
2     outside salespersons from the minimum wage law.

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### *Analysis by the Legislative Reference Bureau*

Current state and federal law generally require employees to be paid a minimum wage. Current federal law, however, exempts from that requirement employees employed in the capacity of outside salesman, which federal regulations define as an employee whose primary duty is making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer and who is customarily and regularly engaged away from the employer's place of business in performing that primary duty (outside salesperson). Outside salespersons are not similarly exempt from the state minimum wage law. This bill exempts outside salespersons from the state minimum wage law.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3     **SECTION 1.** 104.01 (2) (b) 5. of the statutes is created to read:  
4     104.01 (2) (b) 5. Any individual whose primary duty is making sales, as defined  
5     in 29 USC 203 (k), or obtaining orders or contracts for services or for the use of

**ASSEMBLY BILL 412****SECTION 1**

1 facilities for which a consideration will be paid by the client or customer and who is  
2 customarily and regularly engaged away from the employer's place of business in  
3 performing that primary duty.

4 **SECTION 2. Initial applicability.**

5 (1) EXEMPTION OF OUTSIDE SALESPERSONS FROM MINIMUM WAGE LAW. This act first  
6 applies to work performed on the effective date of this subsection, except that in the  
7 case of an employee who is affected by a collective bargaining agreement that  
8 contains provisions inconsistent with this act, this bill first applies to work  
9 performed on the date on which the collective bargaining agreement expires or is  
10 extended, modified, or renewed.

11

(END)