

**5224.0170 HOUSE-TO-HOUSE COMMISSION SALESPEOPLE.**

Subpart 1. **Definition.** A house-to-house commission salesperson sells door-to-door at retail prices to the customer. The salesperson does not purchase stock at wholesale, maintain that stock for resale, or retain the risk of loss if the stock is not sold.

Subp. 2. **Independent contractor.** A house-to-house commission salesperson is an independent contractor if all of the following criteria are substantially met.

A. If assigned to territories, the salesperson is not granted exclusive rights to them.

B. The salesperson is not required to canvass his or her territories within any specified time or to work during fixed hours or at certain times.

C. The salesperson receives no training, is not required to follow an established routine or schedule, and devises his or her own methods and means of selling.

D. The salesperson pays his or her own business expenses.

E. The salesperson is not required to produce any minimum volume of business or follow leads furnished by the company.

Subp. 3. **Employee.** A house-to-house commission salesperson is an employee if all of the following criteria are substantially met.

A. The salesperson works for only one company and on a full-time basis.

B. The services of the salesperson are an important part of the company's business.

C. Although the salesperson may not be required to report to the company's office at regular intervals, he or she often receives leads and instructions through the mail which must be followed.

D. The salesperson is required to file regularly a report of activities with the company.

E. The salesperson is required to canvass his or her territory regularly.

F. The salesperson is required to attend sales meetings or take part in training courses.

G. The salesperson may be visited by a sales manager or supervisor who instructs and helps in developing sales techniques and other matters.

H. The salesperson is expected to produce a certain amount of business to continue the relationship.

**Statutory Authority:** *MS s 176.041; 176.83*

**History:** *10 SR 1852*

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