

**5224.0180 HOUSE-TO-HOUSE DEALER SALESPEOPLE.**

Subpart 1. **Definition.** A house-to-house dealer salesperson buys stocks of commodities at wholesale from a company and sells them at retail. In other respects, the dealer is similar to ordinary retail merchants and house-to-house commission salespeople.

Subp. 2. **Independent contractor.** A dealer is an independent contractor if all of the following criteria are substantially met.

A. The dealer is not required to work during fixed hours or at certain times, to follow any particular routes or schedules or to report on his or her activities.

B. The dealer keeps substantial inventories and has automobiles or trucks to deliver merchandise.

C. The dealer may employ others.

D. Compliance with suggestions or attendance at selling meetings are optional with the dealers.

E. The dealer is not required to solicit prospective purchasers identified by the company.

F. The dealer chooses working hours and methods of solicitation.

G. The dealer pays business expenses and, by selling on credit, takes a risk of loss.

H. The dealer is dependent for a livelihood on personal efforts and ingenuity in establishing clienteles and good reputations.

Subp. 3. **Employee.** A dealer is an employee if all of the following criteria are substantially met.

A. The dealer must report regularly on sales, prospects, and work activities.

B. The dealer must report regularly for sales meetings and pep talks.

C. Although not usually required to work during hours fixed by the firm, the dealer is expected to meet a certain quota.

D. The dealer is restricted from selling on credit and must abide by prices set by the company.

E. Merchandise may be returned to company with no loss to the dealer.

F. The dealer is furnished leads and required to follow-up and report.

G. The dealer is required to concentrate on certain products listed as "specials" and follow schedules or routes worked out by the company.

H. If sales fall off, a manager or other company representative investigates and instructs the dealer how to increase sales.

I. Helpers may be provided by the company for dealers who maintain large volumes of sales.

J. The relationship is terminable by either party on short notice and without liability to the employee for noncompletion.

K. Where the dealer trains others, the dealer is paid and may be elevated to a managership.

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

**History:** *10 SR 1852; 17 SR 1279*

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