

STATE OF NEW YORK

3900

2025-2026 Regular Sessions

IN SENATE

January 30, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to clarifying the definition of a "commission salesperson"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 6 of section 190 of the labor law, as added by
2 chapter 548 of the laws of 1966, is amended to read as follows:

3 6. "Commission [~~salesman~~ salesperson" means any employee (a) whose
4 principal activity is the selling of any goods, wares, merchandise,
5 services, real estate, securities, insurance or any article or thing and
6 whose earnings are based in whole or in part on commissions, (b) not
7 free to work at such employee's own convenience or discretion, (c)
8 constrained to a fixed schedule, (d) not free to engage in other employ-
9 ment and (e) on the employer's payroll and receives fringe benefits. The
10 term "commission [~~salesman~~ salesperson" does not include an employee
11 whose principal activity is of a supervisory, managerial, executive or
12 administrative nature.

13 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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