

ASSEMBLY BILL

No. 2096

Introduced by Assembly Member Dutra

February 19, 2002

An act to amend Section 650 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2096, as introduced, Dutra. Unemployment insurance: employment: manufactured home salespersons.

Existing law provides for the payment of unemployment insurance and disability compensation to employees who become unemployed or disabled. For that purpose, existing law defines “employee” but excludes individuals performing services in specified sales force professions from that definition, if certain conditions are met.

This bill would also exclude individuals performing services as manufactured home salespersons from the definition of “employee,” subject to those conditions

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 650 of the Unemployment Insurance
- 2 Code is amended to read:
- 3 650. “Employment” does not include services performed as
- 4 a real estate, mineral, oil and gas, or cemetery broker or as a real
- 5 estate, *manufactured home*, cemetery or direct sales salesperson,

1 or a yacht broker or ~~salesman~~ *salesperson*, by an individual if all
2 of the following conditions are met:
3 (a) The individual is licensed under the provisions of Chapter
4 19 (commencing with Section 9600) of Division 3 of, or Part 1
5 (commencing with Section 10000) of Division 4 of, the Business
6 and Professions Code, Article 2 (commencing with Section 700)
7 of Chapter 5 of Division 3 of the Harbors and Navigation Code,
8 or is engaged in the trade or business of primarily inperson
9 demonstration and sales presentation of consumer products,
10 including services or other intangibles, in the home or sales to any
11 buyer on a buy-sell basis, a deposit-commission basis, or any
12 similar basis, for resale by the buyer or any other person in the
13 home or otherwise than from a retail or wholesale establishment.
14 (b) Substantially all of the remuneration (whether or not paid
15 in cash) for the services performed by that individual is directly
16 related to sales or other output (including the performance of
17 services) rather than to the number of hours worked by that
18 individual.
19 (c) The services performed by the individual are performed
20 pursuant to a written contract between that individual and the
21 person for whom the services are performed and the contract
22 provides that the individual will not be treated as an employee with
23 respect to those services for state tax purposes.

