

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

852A0293

SENATE COMMERCE COMMITTEE ENGROSSED

NO. **HB1070** - 2/21/97

Introduced by: Representatives Brosz, Belatti, Broderick, DeMersseman, Gleason, Konold, Pederson (Gordon), Roe, and Schaunaman and Senators Aker, Halverson, Lawler, and Thompson

1 FOR AN ACT ENTITLED, An Act to require payment of sales commissions after termination
2 of employment.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. If a sales representative is paid commission under a contract, either express or
5 implied, and the contract is terminated, the sales representative is entitled to commissions
6 pursuant to the provisions of the contract. Payment of the commissions due the sales
7 representative shall be paid in accordance with the terms of the contract. If not specified in the
8 contract, payments of commissions due a terminated sales representative upon a completed sale
9 shall be paid after delivery and payment of the order on sales directly attributed to the sales
10 representative. If a sales transaction is partially completed by a terminated sales representative
11 and the partial completion is not provided for in the employment contract, the sales
12 representative is entitled to an equitable portion of the commission based upon the portion of the
13 contract performed by the sales representative if the transaction is closed and the purchaser has
14 paid for the item. The commission due a terminated sales representative shall be paid on the next

1 stated pay day after closing on which the commission would normally have been paid if the
2 employment had not been terminated. The provisions of this section do not apply to insurance
3 commission arrangements pursuant to Title 58 or advertising sales commissions.

1 **BILL HISTORY**

2 1/23/97 First read in House and referred to Commerce. H.J. 92

3 1/30/97 Scheduled for Committee hearing on this date.

4 2/4/97 Scheduled for Committee hearing on this date.

5 2/4/97 Commerce Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 288

6 2/7/97 Motion to Amend, Passed. H.J. 367

7 2/7/97 House of Representatives Do Pass Amended, Passed, AYES 60, NAYS 10. H.J. 368

8 2/10/97 First read in Senate and referred to Commerce. S.J. 378

9 2/18/97 Scheduled for Committee hearing on this date.

10 2/20/97 Commerce Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 548