



General Assembly

February Session, 2000

**Raised Bill No. 492**

LCO No. 1819

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***An Act Concerning Skilled Mechanics.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-1 of the general statutes is  
2 amended by adding subdivision (92) as follows:

3 (NEW) (92) "Skilled mechanic" means a mechanic who (A) is a  
4 specialist performing comprehensive automobile diagnostics and  
5 mechanical repairs on the total automobile as well as various makes or  
6 models, including, but not limited to, transmission assembly, complete  
7 brake systems, engine diagnostics, computer systems, chassis, HVAC  
8 systems and complex electrical systems; and (B) possesses an  
9 associate's degree in automotive service technology from a community  
10 college, or has completed an automotive mechanic training program  
11 certified by the National Automotive Technicians Education  
12 Foundation, or has attained a certification of proficiency from an  
13 automotive dealer's training program, or is certified as an ASE  
14 automotive technician by the National Institute for Automotive Service  
15 Excellence. The term "skilled mechanic" does not include apprentice  
16 mechanics, tire and lubrication mechanics, mechanic's helpers or  
17 mechanics who work on limited sections of an automobile and

18 perform basic repair and service such as lubricating, tire changing,  
19 brake lining service, alignment and fluid changing.

20 Sec. 2. Section 31-76i of the general statutes is repealed and the  
21 following is substituted in lieu thereof:

22 The provisions of sections 31-76b to 31-76j, inclusive, shall not apply  
23 with respect to (a) any driver or helper, excluding drivers or helpers  
24 employed by exempt employers, with respect to whom the Interstate  
25 Commerce Commission or its successor agency or the Secretary of  
26 Transportation has power to establish qualifications and maximum  
27 hours of service pursuant to the provisions of applicable federal law or  
28 regulation of any employee of a carrier by air subject to the Railway  
29 Labor Act or any employee of any employer subject to said Railway  
30 Labor Act; (b) any employee employed as a seaman; (c) any employee  
31 employed as an announcer, a news editor or chief engineer by a radio  
32 station or television station; (d) repealed by 1972, P.A. 116, S. 3, 6; (e)  
33 any person employed in a bona fide executive, administrative or  
34 professional capacity as defined in the regulations of the Labor  
35 Commissioner issued pursuant to section 31-60; (f) any person  
36 employed in the capacity of outside salesman as defined in the  
37 regulations of the Federal Fair Labor Standards Act; (g) any inside  
38 salesperson whose sole duty is to sell a product or service (1) whose  
39 regular rate of pay is in excess of two times the minimum hourly rate  
40 applicable to [him] such salesperson under section 31-58, (2) more than  
41 half of whose compensation for a representative period, being not less  
42 than one month, represents commissions on goods or services, and (3)  
43 who does not work more than fifty-four hours during a work week of  
44 seven consecutive calendar days. In determining the proportion of  
45 compensation representing commissions, all earnings resulting from  
46 the application of a bona fide commission rate shall be deemed  
47 commissions on goods or services without regard to whether the  
48 computed commissions exceed the draw or guarantee; (h) any person  
49 employed as a taxicab driver by any employer engaged in the business  
50 of operating a taxicab, if such driver is paid forty per cent or more of

51 the fares recorded on the meter of the taxicab operated by [him] such  
52 driver; (i) any person employed in the capacity of a household delivery  
53 route [salesman] salesperson engaged in delivering milk or bakery  
54 products to consumers and who is paid on a commission basis as  
55 defined in the regulations of the Labor Commissioner issued pursuant  
56 to section 31-60; (j) any [salesman] salesperson primarily engaged in  
57 selling automobiles. For the purposes of this subsection, ["salesman"]  
58 "salesperson" includes any person employed by a licensed new car  
59 dealer (1) whose primary duty is to sell maintenance and repair  
60 services, (2) whose regular rate of pay is in excess of two times the  
61 minimum hourly rate applicable to [him] such person under the  
62 provisions of section 31-58, (3) more than half of whose compensation  
63 for a representative period, being not less than one month, represents  
64 commissions on goods or services and (4) who does not work more  
65 than fifty-four hours during a work week of seven consecutive days. In  
66 determining the proportion of compensation representing  
67 commissions, all earnings resulting from the application of a bona fide  
68 commission rate shall be deemed commissions on goods or services  
69 without regard to whether the computed commissions exceed the  
70 draw or guarantee; (k) any person employed in agriculture; (l) any  
71 permanent paid members of the uniformed police force of  
72 municipalities and permanent paid members of the uniformed fire  
73 fighters of municipalities; (m) any person employed as a fire fighter by  
74 a private nonprofit corporation [which] that on May 24, 1984, has a  
75 valid contract with any municipality to extinguish fires and protect its  
76 inhabitants from loss by fire; (n) any person, except a person paid on  
77 an hourly basis, employed as a beer delivery truck driver by a licensed  
78 distributor, as defined by section 12-433; or (o) any person employed  
79 as a skilled mechanic primarily engaged in the servicing of motor  
80 vehicles, as defined in section 14-1, as amended by section 1 of this act,  
81 or farm implements, as defined in section 14-1, as amended by section  
82 1 of this act, by a nonmanufacturing employer primarily engaged in  
83 the business of automotive or truck repair or selling such vehicles or  
84 implements to consumers, to the extent that such employees are

85 exempt under the federal Wage-Hour and Equal Pay Act, 29 USC 201  
86 et seq. and 29 USC 213(b)(10), provided such person's actual weekly  
87 earnings exceed an amount equal to the total of (1) such person's basic  
88 contractual hourly rate of pay times the number of hours such person  
89 has actually worked plus (2) such person's basic contractual hourly  
90 rate of pay times one-half the number of hours such person has  
91 actually worked in excess of forty hours in such week. For the  
92 purposes of this section, "basic contractual hourly rate" means the  
93 compensation payable to a person at an hourly rate separate from and  
94 exclusive of any flat rate, incentive rate or any other basis of  
95 calculation.

96 Sec. 3. This act shall take effect from its passage.

***Statement of Purpose:***

To extend the exception to the state's overtime wage law to skilled mechanics.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*