



**Senate Bill No. 831**

**Public Act No. 21-136**

**AN ACT CONCERNING COMMERCIAL MORTGAGE LOAN ORIGINATORS.**

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

Section 1. Section 31-76i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

The provisions of sections 31-76b to 31-76j, inclusive, shall not apply with respect to [(a)] (1) any driver or helper, excluding drivers or helpers employed by exempt employers, with respect to whom the Interstate Commerce Commission or its successor agency or the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of applicable federal law or regulation of any employee of a carrier by air subject to the Railway Labor Act or any employee of any employer subject to said Railway Labor Act; [(b)] (2) any employee employed as a seaman; [(c)] (3) any employee employed as an announcer, a news editor or chief engineer by a radio station or television station; [(d)] (4) repealed by 1972, P.A. 116, S. 3, 6; [(e)] (5) any person employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner issued pursuant to section 31-60; [(f)] (6) any person employed in the capacity of outside salesman as defined in the regulations of the Federal Fair Labor Standards Act; [(g)] (7) any inside

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salesperson whose sole duty is to sell a product or service [(1)] (A) whose regular rate of pay is in excess of two times the minimum hourly rate applicable to him under section 31-58, [(2)] (B) more than half of whose compensation for a representative period, being not less than one month, represents commissions on goods or services, and [(3)] (C) who does not work more than fifty-four hours during a work week of seven consecutive calendar days. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee; [(h)] (8) any person employed as a taxicab driver by any employer engaged in the business of operating a taxicab, if such driver is paid forty per cent or more of the fares recorded on the meter of the taxicab operated by him; [(i)] (9) any person employed in the capacity of a household delivery route salesman engaged in delivering milk or bakery products to consumers and who is paid on a commission basis as defined in the regulations of the Labor Commissioner issued pursuant to section 31-60; [(j)] (10) any salesman primarily engaged in selling automobiles. For the purposes of this subdivision, "salesman" includes any person employed by a licensed new car dealer [(1)] (A) whose primary duty is to sell maintenance and repair services, [(2)] (B) whose regular rate of pay is in excess of two times the minimum hourly rate applicable to him under the provisions of section 31-58, [(3)] (C) more than half of whose compensation for a representative period, being not less than one month, represents commissions on goods or services, and [(4)] (D) who does not work more than fifty-four hours during a work week of seven consecutive days. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee; [(k)] (11) any person employed in agriculture; [(l)] (12) any permanent paid members of the uniformed police force of

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municipalities and permanent paid members of the uniformed firefighters of municipalities; [(m)] (13) any person employed as a firefighter by a private nonprofit corporation which on May 24, 1984, has a valid contract with any municipality to extinguish fires and protect its inhabitants from loss by fire; [(n)] (14) any person, except a person paid on an hourly basis, employed as a beer delivery truck driver by a licensed distributor, as defined in section 12-433; [(o)] (15) any person employed as a mechanic primarily engaged in the servicing of motor vehicles, as defined in section 14-1, or farm implements, as defined in section 14-1, by a nonmanufacturing employer primarily engaged in the business of selling such vehicles or implements to consumers, to the extent that such employees are exempt under the federal Wage-Hour and Equal Pay Act, 29 USC 201 et seq. and 29 USC 213(b)(10), provided such person's actual weekly earnings exceed an amount equal to the total of [(1)] (A) such person's basic contractual hourly rate of pay times the number of hours such person has actually worked plus [(2)] (B) such person's basic contractual hourly rate of pay times one-half the number of hours such person has actually worked in excess of forty hours in such week. For the purposes of this section, "basic contractual hourly rate" means the compensation payable to a person at an hourly rate separate from and exclusive of any flat rate, incentive rate or any other basis of calculation; [or (p)] (16) any mortgage loan originator, as defined in section 36a-485, who is a highly compensated employee, as [defined] described in 29 CFR 541.601, provided this subdivision shall not apply to an individual who performs the functions of a mortgage loan originator solely from the office of such mortgage loan originator's employer. For purposes of this subdivision, an office in the mortgage loan originator's home shall not be considered the office of such mortgage loan originator's employer. Beginning on October 1, 2012, the total annual compensation for purposes of Subsection (a) of 29 CFR 541.601 shall be increased annually, effective October first of each year, based on the percentage increase, from year to year, in the average of all workers' weekly earnings as determined by the Labor Commissioner

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pursuant to subdivision (1) of subsection (b) of section 31-309; or (17) any commercial mortgage loan originator who is a highly compensated employee, as described in 29 CFR 541.601. For purposes of this subdivision, (A) "commercial mortgage loan originator" means an individual who for compensation or gain or with the expectation of compensation or gain, either for such individual or for the person employing or retaining such individual, (i) accepts a commercial mortgage loan application, or (ii) offers or negotiates the terms of a commercial mortgage loan, and (B) "commercial mortgage loan" means a mortgage loan not primarily for personal, family or household use.

Approved July 7, 2021