

FLSA-673

June 17, 1988

This is in response to your letter of February 26 on behalf of your client, a company employing salespersons to sell Winnebagos and similar motorized vehicles. You specifically ask if these salespersons would qualify for the overtime pay exemption under section 13(b)(10) of the Fair Labor Standards Act (FLSA).

The Wage and Hour Division of the Department of Labor administers FLSA, the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees be paid not less than the minimum wage of \$3.35 an hour and not less than one and one-half times their regular rates of pay for all hours worked over 40 in a workweek.

Section 13(b)(10)(A) of FLSA exempts from its overtime pay provisions any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trucks, or farm implements, if he or she is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers.

In general, a Winnebago is a self-contained motorized vehicle which can be driven on the highways. The States issue motorized vehicle licenses for their use on the highways and require certificates of title registration, just as they do for other automobiles and trucks. The motor homes have a truck chassis. Salesmen, partsmen and mechanics employed by dealers to sell and service these vehicles require the same abilities and training as do persons who sell or service the usual automobile or truck. The sales of motor homes are generally made through a regular dealership.

A Winnebago is distinguishable from a mobile home, a non-motorized vehicle designed for stationary and more permanent use, and may be considered equivalent to other vehicles such as buses, station wagons and truck campers. Thus for purposes of section 13(b)(10)(A), the word automobile or truck includes within its terms the vehicle known as a motor home. It is our opinion that a salesperson engaged to sell a motor home, or , within the meaning of section 13(b)(10)(A), would qualify for an exemption from overtime pay under that section.

We trust that the above is responsive to your inquiry.

Sincerely,

Paula V. Smith
Administrator