

Part 2 Requirements and Prohibitions

34-44-201 Written business relationship.

- (1) The business relationship between a sales representative and a principal shall be in a writing signed by both the principal and the sales representative.
- (2) The writing required by Subsection (1) shall set forth the method by which the sales representative's commission is:
 - (a) computed; and
 - (b) paid.
- (3) The principal shall provide the sales representative with a copy of the signed writing required by Subsection (1).

Enacted by Chapter 65, 2007 General Session

34-44-202 Payment of commission -- Payment on termination -- Settlement.

- (1) The principal shall pay a sales representative all commissions due to the sales representative during the time the business relationship between the principal and sales representative is in effect in accordance with the writing required by Section 34-44-201.
- (2) If a business relationship between a principal and sales representative terminates, the principal shall pay to the sales representative:
 - (a) within 30 days after the day on which the termination is effective, all commissions due on the day on which the termination is effective; and
 - (b) within 14 days after the day on which a commission becomes due if the commission is due after the day on which the termination is effective.
- (3)
 - (a) Unless payment is made pursuant to a binding and final written settlement agreement and release, the acceptance by a sales representative of a partial commission paid by the principal under the business relationship does not constitute a release as to the balance of any commission that the sales representative claims is due because of the business relationship.
 - (b) A full release of all commission claims required by a principal as a condition to a partial commission payment is void.

Enacted by Chapter 65, 2007 General Session

34-44-203 Revocable offer of commission.

If a principal makes a revocable offer of a commission to a sales representative, the sales representative is entitled to the commission agreed upon under the business relationship if:

- (1) the principal revokes the offer of commission;
- (2) the sales representative establishes that the revocation is for a purpose of avoiding payment of the commission;
- (3) the revocation occurs after the principal obtains an order for the principal's product or service through the efforts of the sales representative; and
- (4) the principal's product or service that is the subject of the order is provided to and paid for by a customer.

Enacted by Chapter 65, 2007 General Session