

FLSA-747

February 1, 1983

This is in reply to your letter of January 19, 1983, concerning the application of section 13(b)(10)(A) of the Fair Labor Standards Act (FLSA). You ask whether or not a retail bus dealer may qualify for this exemption.

Section 13(b)(10)(A) of the FLSA provides an overtime pay exemption for any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trucks, or farm implements, if the employee is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers. It is our opinion that such employees of an establishment engaged in the retail sale of passenger buses to the ultimate purchasers will come within this overtime pay exemption, since it is our opinion that such buses come within the definition of "trucks" as used in section 13(b)(10)(A) of the FLSA.

If you have any further questions concerning this matter or any other provision of the FLSA, you may find it more convenient to get in touch with our Area Office at 2346 South Lynhurst Drive S-B-105, Indianapolis, Indiana 46241 (telephone: (317) 248-4014). That office is responsible for the enforcement of the Act in the State of Indiana, and will be pleased to offer every possible assistance.

Sincerely,

Nancy M. Flynn
Acting Assistant Administrator
Wage and Hour Division

William M. Otter
Administrator