

(b) Work that a direct seller performs is not covered employment if the Secretary is satisfied that:

(1) the direct seller is engaged in the trade or business of selling consumer products:

(i) in the home or at any other location outside of a permanent retail establishment; or

(ii) to a buyer on a buy-sell basis, a deposit-commission basis, or any similar basis for resale by the buyer or any other person in the home or at any other location outside of a permanent retail establishment;

(2) the direct seller and the person for whom the work is performed have entered into a written agreement that is currently in effect;

(3) substantially all of the compensation for the employment is related directly to sales or other output, including the performance of a service, rather than to the number of hours worked; and

(4) the written agreement states that the direct seller will not be treated as an employee for the purpose of State and federal income taxes with respect to the employment performed under the agreement.

~~(C) WORK THAT AN INDIVIDUAL ENGAGED IN THE TRADE OR BUSINESS OF DELIVERING OR DISTRIBUTING NEWSPAPERS OR SHOPPING NEWS, INCLUDING THE PERFORMANCE OF ANY SERVICES DIRECTLY RELATED TO THE DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS, IS NOT COVERED EMPLOYMENT IF THE SECRETARY IS SATISFIED THAT THE INDIVIDUAL MEETS THE REQUIREMENTS FOR A DIRECT SELLER UNDER PARAGRAPHS (2), (3), AND (4) OF SUBSECTION (B) OF THIS SECTION PERFORMS IS NOT COVERED EMPLOYMENT IF THE SECRETARY IS SATISFIED THAT THE INDIVIDUAL:~~

~~(1) IS ENGAGED IN THE TRADE OR BUSINESS OF DELIVERING OR DISTRIBUTING NEWSPAPERS OR SHOPPING NEWS, INCLUDING ANY SERVICES DIRECTLY RELATED TO THE DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS; AND~~

~~(2) MEETS THE REQUIREMENTS FOR A DIRECT SELLER UNDER SUBSECTION (B)(2), (3), AND (4) OF THIS SECTION.~~

[(c)](D) Work that a messenger service driver performs for a person who is engaged in the messenger service business is not covered employment if the Secretary is satisfied that:

(1) the driver and the person who is engaged in the messenger service business have entered into a written agreement that is currently in effect;

(2) the driver personally provides the vehicle;

(3) compensation is by commission only;

(4) the driver may set personal work hours; and