

## Miss. Code Ann. § 75-87-1

### § 75-87-1. Definitions.

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As used in this chapter:

- (a) “Commission” means compensation accruing to a sales representative for payment by a principal, the rate of which is expressed as a percentage of the dollar amount of certain orders or sales.
- (b) “Principal” means any person who does not have a permanent or fixed place of business in this state and who:
- (i) Engages in the business of manufacturing, producing, importing or distributing a product or products for sale to customers who purchase such product or products for resale;
  - (ii) Utilizes sales representatives to solicit orders for such product or products; and
  - (iii) Compensates the sales representatives, in whole or in part, by commission.
- (c) “Sales representative” means any person who engages in the business of soliciting, on behalf of a principal, orders for the purchase at wholesale of the product or products of the principal. The term “sales representative” shall not include a person who places orders or purchases for such person’s own account for resale or is engaged in home solicitation sales regulated pursuant to Section 75-66-1 et seq., Mississippi Code of 1972.

### History

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Laws, 1988, ch. 588, § 1, eff from and after July 1, 1988, and it shall be applicable to contracts entered into after July 1, 1988.

### Annotations

### Notes

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### Joint Legislative Committee Note —

Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected a typographical error in paragraph (c). The reference to “Section 77-66-1” was changed to “Section 75-66-1.” The Joint Committee ratified the correction at its December 3, 1996, meeting.

### Editor’s Notes —

Laws of 1988, ch. 588, § 5, provides as follows:

“SECTION 5. This act shall take effect and be in force from and after July 1, 1988, and it shall be applicable to contracts entered into after July 1, 1988.”

Mississippi Code 1972 Annotated

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§ 75-87-3. Sales representative contract to set forth means by which commissions shall be computed and paid.

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Whenever any principal enters into an oral or written contract with a sales representative for services to be rendered within this state and the contemplated method of compensation of the sales representative involves a commission, the contract shall set forth the means by which the commission shall be computed and paid.

#### History

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Laws, 1988, ch. 588, § 2, eff from and after July 1, 1988, and it shall be applicable to contracts entered into after July 1, 1988.

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§ 75-87-5. Commissions due and payable within 21 days of termination of sales representative's contract.

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Whenever the contract between a sales representative and any principal is terminated, all commissions due the sales representative by the principal shall be due and payable within twenty-one (21) days of such termination.

#### History

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Laws, 1988, ch. 588, § 3, eff from and after July 1, 1988, and it shall be applicable to contracts entered into after July 1, 1988.

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§ 75-87-7. Action to recover commissions; triple commissions; attorney fees.

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Any principal who fails to timely pay the sales representative as provided in Section 75-87-5, shall be liable to the sales representative in a civil action for up to triple the commissions due to the sales representative, plus reasonable attorney's fees and costs.

#### History

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Laws, 1988, ch. 588, § 4, eff from and after July 1, 1988, and it shall be applicable to contracts entered into after July 1, 1988.

Annotations

Notes

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**Editor's Notes** —

Laws of 1988, ch. 588, § 5, provides as follows:

“SECTION 5. This act shall take effect and be in force from and after July 1, 1988, and it shall be applicable to contracts entered into after July 1, 1988.”

Research References & Practice Aids

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**Cross References** —

Punitive damages, generally, see § 11-1-65.

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