

1 “(18)(A) any individual engaged as a partici-
2 pant in bona fide marketing research involved in the
3 collection and analysis of data regarding opinions,
4 needs, awareness, knowledge, views, experiences, or
5 behaviors of a population, through the development
6 and administration of surveys, interviews, focus
7 groups, polls, observation, or other research meth-
8 odologies, in which no sales, promotional, or mar-
9 keting efforts are involved and through which there
10 is no attempt to influence a participant’s attitudes
11 or behavior;

12 “(B) any individual engaged to measure or
13 evaluate a customer’s experience or some aspect
14 thereof either at a defined location, or while using
15 or purporting to use a specified product or service,
16 provided that (i) the service opportunities are of-
17 fered to the individual on a project-by-project basis,
18 which the individual can accept or decline, and (ii)
19 the remuneration for the services the individual per-
20 forms is determined on a basis other than the
21 amount of time worked.”.

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