

CHAPTER 47

(HB 470)

AN ACT relating to home solicitation sales.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 367.450 is amended to read as follows:

- (1) (a) Except as provided by the provisions on retention of goods by the buyer in KRS 367.440(3), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand ~~shall~~~~must~~ tender to the seller any goods delivered by the seller pursuant to the sale but he *or she* is not obligated to tender at any place other than his *or her* residence.
- (b) If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them.
- (c) For the purpose of this section, *forty* (40) days is presumed to be a reasonable time.
- (2) The buyer has a duty to take reasonable care of the goods in his *or her* possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.
- (3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.
- (4) (a) *As used in this subsection, "affiliate" means, as to any person, another person that, directly or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with the person.*
- (b) KRS 367.410 to 367.450 shall not apply to:
 1. *Any sale*~~[Sales]~~ under \$25.00;~~[- or -]~~
 2. Any type of insurance sale; or
 3. *If the seller is, or the seller is an affiliate of a person that is, licensed by, registered with, or otherwise regulated by the Department of Insurance, the following:*
 - a. *Any sale of a service contract to repair, replace, or maintain consumer products; or*
 - b. *Any sale of goods or services related to insurance or a service contract to repair, replace, or maintain consumer products*~~[sales]~~.

Signed by Governor April 4, 2024.