

365.400 Definitions for KRS 365.400 to 365.408.

As used in KRS 365.400 to 365.408, unless the context indicates otherwise:

- (1) "Automatic renewal" means a plan or arrangement in which a paid subscription, membership, or purchase agreement is automatically renewed at the end of a definite paid term for a subsequent paid term of more than one (1) month;
- (2) "Automatic renewal offer terms" means the following clear and conspicuous disclosures:
 - (a) That the paid subscription or purchase agreement will continue until the consumer cancels;
 - (b) The description of the cancellation policy that applies to the offer;
 - (c) The recurring charges that will be charged to the consumer's credit or debit card or payment account with a third party as part of the automatic renewal plan or arrangement, that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;
 - (d) The length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and
 - (e) The minimum purchase obligation, if any;
- (3) "Clear and conspicuous" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" and "clearly and conspicuously" mean in a volume and cadence sufficient to be readily audible and understandable;
- (4) "Consumer" means an individual who acquires goods or services for personal, family, or household purposes; and
- (5) "Continuous service" means a plan or arrangement in which a paid subscription or purchase agreement continues for an indefinite term until the consumer cancels the service.

Effective: January 1, 2024

History: Created 2023 Ky. Acts ch. 81, sec. 1, effective January 1, 2024.