

367.626 Definition of "emergency goods or services" -- Advance payments prohibited during cancellation period -- Return of payments or notes of indebtedness -- Unenforceable contract provisions -- Contractor's right to collect reasonable amount for goods and services provided. (Effective July 15, 2026)

- (1) As used in this section, "emergency goods or services" means goods, services, or goods and services to immediately respond to a sudden, unexpected occurrence that poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
- (2) Except as provided in subsection (3) of this section:
 - (a) A contractor shall:
 1. Not require any advance payments under a real estate goods or services contract until the cancellation period provided in KRS 367.622 has expired; and
 2. Tender to the payor any payments, partial payments, or deposits made, and any note or other evidence of indebtedness provided, to the contractor under a real estate goods or services contract within ten (10) days after the contract has been cancelled under KRS 367.622; and
 - (b)
 1. A real estate goods or services contract shall not be enforceable against any person who entered into the contract with the contractor if the contract:
 - a. Has been cancelled under KRS 367.622; or
 - b. Contains a price that violates KRS 367.374.
 2. A person shall not be required to pay a cancellation fee or any other fee contained in, or required under, a contract that is not enforceable against the person under subparagraph 1. of this paragraph.
- (3) A contractor that provides any repair services or emergency goods or services authorized under a real estate goods or services contract that is not enforceable by the contractor under subsection (2)(b) of this section, including but not limited to repair services necessary to prevent further damage to the premises, shall be entitled to collect a reasonable and customary amount for the goods, services, or goods and services provided.

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History: Amended 2026 Ky. Acts ch. 54, sec. 3, effective July 15, 2026. -- Amended 2025 Ky. Acts ch. 15, sec. 4, effective June 27, 2025. -- Created 2012 Ky. Acts ch. 97, sec. 4, effective July 12, 2012.

Legislative Research Commission Note (7/15/2026). 2026 Ky. Acts ch. 54, sec. 12, provides that the amendments to this statute in that Act apply to contracts entered into on or after July 15, 2026.

Legislative Research Commission Note (6/27/2025). 2025 Ky. Acts ch. 15, sec. 10, provides that the amendments to this statute in that Act shall apply to contracts entered on or after June 27, 2025.