

1 AN ACT relating to home solicitation sales.

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

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

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

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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].