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HOUSE BILL NO. 989

Offered January 24, 2000

A BILL to amend and reenact §§ 59.1-21.2 and 59.1-21.7:1 of the Code of Virginia, relating to home solicitation telephone calls; prohibited practices.

Patrons—Rhodes, Albo, Baskerville, Bloxom and Louderback

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:**1. That §§ 59.1-21.2 and 59.1-21.7:1 of the Code of Virginia are amended and reenacted as follows:**

§ 59.1-21.2. Definitions.

A. "Home solicitation sale" means:

1. A consumer sale or lease of goods or services in which the seller or a person acting for him engages (i) in a personal solicitation of the sale or lease or (ii) in a solicitation of the sale or lease by telephonic or other electronic means at any residence other than that of the seller; and

2. The buyer's agreement or offer to purchase or lease is there given to the seller or a person acting for him.

B. 1. "Home solicitation sale" shall not mean a consumer sale or lease of farm equipment.

2. It does not include cash sales of less than twenty-five dollars, a sale or lease made pursuant to a preexisting revolving charge account, or a sale or lease made pursuant to prior negotiations between the parties.

C. As used in this chapter, "goods" means tangible personal property and also includes a merchandise certificate whereby a writing is issued by the seller which is not redeemable in cash and is usable in lieu of cash in exchange for goods or services; "seller" means seller or lessor and "buyer" means buyer or lessee.

D. As used in this chapter, "automatic telephone dialing system" means equipment that has the capacity (i) to store or produce telephone numbers to be called, using a random or sequential number generator and (ii) to dial such numbers.

§ 59.1-21.7:1. *Prohibited practices; Enforcement; penalties.*

A. In addition to violation of any other provisions of this chapter, it shall be unlawful for a solicitor to use an automatic telephone dialing system to generate a telephone call that does not immediately connect the telephone call with the solicitor.

B. Any violation of the provisions of this chapter shall constitute a prohibited practice pursuant to the provisions of § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act of 1977, Chapter 17 (§ 59.1-196 et seq.) of this title.

INTRODUCED

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