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HOUSE BILL NO. 2375

Offered January 16, 2017

A *BILL to amend the Code of Virginia by adding a section numbered 59.1-21.1:1, relating to the Virginia Home Solicitation Sales Act; prohibited solicitation; penalty.*

Patron—Watts

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 59.1-21.1:1 as follows:

§ 59.1-21.1:1. Prohibited solicitation; penalty; exceptions.

A. *As used in this section:*

"No soliciting sign" means a sign, display, message, poster, placard, or any other thing that is designed, intended, or used to inform and that displays the words "No Soliciting" printed in a clear and legible size and typeface.

"Residential property" means single-family detached dwellings, single-family attached dwellings, individual residential lots located in a development subject to the Property Owners' Association Act (§ 55-508 et seq.), or dwelling units as that term is defined in § 55-248.4.

B. No seller or person acting for him shall make or attempt to make a home solicitation sale on residential property to any person who displays a no soliciting sign on one or more entry doors on such property, except as may be permissible under the Solicitation of Contributions Act (§ 57-48 et seq.).

C. The provisions of this section shall not include a home solicitation sale made to any person (i) with that person's prior express invitation or permission as evidenced by a signed, written agreement stating that the person agrees to be contacted by or on behalf of a specific party and including the legal address to which the home solicitation may be made; (ii) with whom the person on whose behalf the home solicitation is made has an established business relationship; or (iii) with whom the seller making the home solicitation has a personal relationship. The exemption for an established business relationship or a personal relationship shall not apply when the person solicited previously has stated that he does not wish to receive a home solicitation as provided in subsection B.

D. Any seller or person acting for him knowingly violating the provisions of subsection B shall be guilty of a trespass as provided in § 18.2-119. Such penalty shall be in addition to the penalties provided in § 59.1-21.7:1.