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HOUSE BILL NO. 307

Offered January 10, 2018

Prefiled January 3, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-119.2, relating to prohibited solicitation; penalty.*

Patron—Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 18.2-119.2 as follows:**
§ 18.2-119.2. Prohibited solicitation; penalty; exceptions.

A. As used in this section:

"Dwelling unit" means the same as that term is defined in § 55-248.4.

"Established business relationship" means a relationship between the solicited person and the person on whose behalf the home solicitation is being made based on (i) the solicited person's purchase from, or transaction with, the person on whose behalf the home solicitation is being made within the 18 months immediately preceding the date of the home solicitation or (ii) the solicited person's inquiry or application regarding any property, good, or service offered by the person on whose behalf the home solicitation is being made within the three months immediately preceding the date of the home solicitation.

"Home solicitation sale" means the same as that term is defined in § 59.1-21.2.

"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" or "No Solicitation" printed in a clear and legible size and typeface.

"Personal relationship" means the relationship between the person on whose behalf the home solicitation is being made or the person acting for him and any family member, friend, or acquaintance of such person.

B. No seller or person acting for him shall remain upon the land, buildings, or premises of another, or any portion or area thereof, for the purpose of making or attempting to make a home solicitation sale to any person he knows or reasonably should know resides in a dwelling unit located upon such land, buildings, or premises, or any portion or area thereof, that has a no soliciting sign posted on such dwelling unit at a place where it may be reasonably seen.

C. The provisions of this section shall not include a home solicitation of 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 has stated previously to the seller or person acting for him that he does not wish to receive a home solicitation.

D. Any seller or person acting for him who knowingly violates the provisions of subsection B is guilty of a Class 1 misdemeanor.

E. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.

INTRODUCED

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