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HOUSE BILL NO. 2753

Offered January 17, 2019

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 make or attempt to make a home solicitation sale (i) to any person on property where he knows or reasonably should know that such person resides in a dwelling unit and where there is a no soliciting sign posted at a place where it may be reasonably seen or (ii) to any person who has informed such seller or person acting for him that he does not wish to receive a home solicitation.****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 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 this section is guilty of a Class 1 misdemeanor.****E. Each 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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