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HOUSE BILL NO. 2422

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Commerce and Labor
on February 13, 2023)

(Patron Prior to Substitute—Delegate Batten)

A BILL to amend and reenact § 59.1-21.2 of the Code of Virginia, relating to home solicitation sale; definition.

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-21.2 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-21.2. Definitions.

A. ~~Home~~ As used in this chapter, "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 ~~telephone~~ ~~telephonic telephone~~ or ~~other~~ electronic means at any residence other than that of the seller without prior invitation or appointment; 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. As used in this chapter:

1. "Home solicitation sale" ~~shall~~ does not mean a consumer sale or lease of farm equipment or a consumer sale made by an entity regulated by the State Corporation Commission's Bureau of Insurance, an affiliate of any such entity, or a dealer licensed by the Motor Vehicle Dealer Board.

2. ~~It~~ "Home solicitation sale" does not include cash sales of less than ~~twenty-five dollars~~ \$25, 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.

3. "Home solicitation sale" does not include sales made entirely by telephone or electronic means at the initiation of the buyer and without any other contact between the buyer and the seller or its representative prior to the delivery of goods or performance of services.

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.