

By: Representative Hopkins

To: Judiciary A

HOUSE BILL NO. 823

1 AN ACT TO ENACT A CODE OF CONDUCT FOR DOOR-TO-DOOR FOR-PROFIT
2 SOLICITORS; TO SPECIFY REQUIREMENTS OF A DOOR-TO-DOOR FOR-PROFIT
3 SOLICITOR; TO PROHIBIT CERTAIN ACTIONS BY A DOOR-TO-DOOR
4 FOR-PROFIT SOLICITOR; TO PROVIDE FOR CERTAIN LICENSURE
5 CONSEQUENCES IF A SIGN FOR NO SOLICITATION IS VIOLATED BY A
6 DOOR-TO-DOOR FOR-PROFIT SOLICITOR; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) Any for-profit solicitor who sells, offers
9 to sell or attempts to sell goods or services to a homeowner or
10 resident of a home or apartment, through direct physical contact,
11 including door-to-door solicitation, shall:

12 (a) Carry an employee identification card or, if
13 applicable, a copy of a currently pending application for license
14 or registration and present said identification or proof of
15 registration for inspection to the homeowner or resident;

16 (b) Truthfully and clearly identify himself or herself
17 by name, their fully registered company name, and the purpose of
18 his or her solicitation to the potential customer at the
19 initiation of a sales presentation without request from the
20 potential customer;



21 (c) Provide to the homeowner or resident, at no charge,
22 a document or business card listing the solicitor's name,
23 employer's name, address, phone number, license number if
24 applicable;

25 (d) Not approach or solicit a home or residence at any
26 time where a placard, sign or any other posting of whatever nature
27 is displaying indicating that the homeowner or residential
28 occupant does not wish to be solicited; and

29 (e) Comply with any applicable door-to-door
30 solicitation ordinance consistent with state and federal law.

31 (2) Any door-to-door for-profit solicitor shall not engage
32 in any deceptive, misleading, unlawful or unethical business
33 practices with customers or consumers. Such practices shall
34 constitute improper, fraudulent or dishonest dealing.

35 (3) Any door-to-door for-profit solicitor, when engaging in
36 the sale, installation, service or maintenance of a product or
37 service, shall not falsely state or imply the following to a
38 potential or existing customer:

39 (a) That a competitor company is going out of business
40 or is in financial difficulty, or that such competitor company no
41 longer exists;

42 (b) That a competitor company is changing or has
43 changed its company name;



44 (c) That the for-profit solicitor is a representative
45 agent of, if acting on behalf of, or is otherwise acting with the
46 consent or approval of a competitor company;

47 (d) That the for-profit solicitor's company is a
48 "sister" company of a competitor, or is acquiring, merging with,
49 or has taken over or purchased the competitor company's accounts;

50 (e) That the for-profit solicitor is performing routine
51 maintenance on a competitor company's product or equipment which
52 is in the possession of a customer;

53 (f) That the for-profit solicitor's company is
54 affiliated with, has the endorsement of, or is, in any manner,
55 acting at the direction of any governmental or law enforcement
56 agency; and

57 (g) Quoting statistics or providing other information
58 that is known to be false or misleading, or which the for-profit
59 solicitor has not made a reasonable effort to objectively quantify
60 or substantiate.

61 (4) For recurring contracts, door-to-door for-profit
62 solicitors shall:

63 (a) When contracting with existing or potential
64 customers, use written materials which clearly and conspicuously
65 set forth both the company and the customer's rights and
66 obligations;

67 (b) Clearly and conspicuously disclose material terms
68 and conditions of the offer before obtaining a customer's consent;



69 (c) Provide a copy of the contract to the customer
70 immediately upon execution;

71 (d) Clearly and conspicuously disclose refund policies,
72 including termination fees, to existing or potential customers
73 prior to the sale of any product or service;

74 (e) Honor all refunds for customers in accordance with
75 their stated refund policies; and

76 (f) Upon request, provide customers a written
77 termination fee calculation and statement of the information upon
78 which they base the calculation.

79 (5) To the extent allowed by licensure laws governing
80 door-to-door for-profit solicitors, any door-to-door for-profit
81 solicitor who violates Section 1(1)(d) of this act shall be given
82 a warning by its licensure board after two (2) reported violations
83 and shall have his or her license revoked after four (4) reported
84 violations.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2019.

