

# Rules and Regulations

Federal Register

Vol. 80, No. 6

Friday, January 9, 2015

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

<sup>1</sup> Door-to-door sellers must provide buyers with a completed cancellation form, in duplicate, captioned either Notice of Right to Cancel or Notice of Cancellation, in accordance with the requirements and language provided in 16 CFR 429.1(b). Duplicate copies are required so that consumers can return one notice and retain the other should they need to effect cancellation. Oral notice is required pursuant to 16 CFR 429.1(e).

<sup>2</sup> 16 CFR 429.1(a).

<sup>3</sup> *Request for Public Comment*, 74 FR 18170 (April 21, 2009). The Commission also conducted reviews in 1998 and 1995. *Request for Public Comment*, 53 FR 45455 (Nov. 10, 1988); *Request for Public Comment*, 60 FR 54180 (Oct. 20, 1995). In the 1995 proceeding, the Commission determined, among other issues, that the Rule should continue to apply to sales occurring in places other than a consumer's home. *Request for Public Comment*, at 54183.

<sup>4</sup> *Proposed Rule Amendment; Request for Public Comment*, 78 FR 3855 (Jan. 17, 2013).

<sup>5</sup>

<sup>6</sup> at 3860.

<sup>7</sup> Comments are available on the Commission's Web site at: [www.federalregister.gov](http://www.federalregister.gov).

<sup>8</sup> *Massachusetts AG at 1* (urging the FTC to maintain the exclusionary limit at \$25 and stating that “The Commonwealth recognizes that \$25 is worth less, in real terms, than it was in 1972, when 16 CFR part 429 was enacted. Nevertheless, the Commonwealth does not believe that \$25 is an insignificant amount.”) (emphasis added); *Halbe at 1* (describing pushy, aggressive salesmen roving through her neighborhood); *BBB of Southern Colorado at 1* (inferring that consumers are threatened or deceived into signing contracts to get sales persons to leave consumers’ homes); *BBB of Utah at 1*; *BBB of North Alabama at 1* (stating that “Door to door sales targets [sic] every homeowner who opens their door. Without a low

---

<sup>19</sup> DSA at 3.

<sup>20</sup> CCAA at 1.

<sup>21</sup> DSA at 3.

<sup>22</sup> These consumer populations may be less likely to have affordable access to photocopiers and electronic devices. The duplicate receipt and notice requirement avoids imposing additional expense on consumers who would need to access copier machines and other electronic devices in order to preserve a record of their right to cancel.

---

<sup>23</sup> 15 U.S.C. 7001–7006.

<sup>24</sup> *Id.*

<sup>1</sup> 16 CFR part 429.

<sup>2</sup> 37 FR 22933, 22937 (Oct. 26, 1972).

<sup>3</sup> 16 CFR 429.0(a) (definition of "Door-to-Door Sale").

<sup>4</sup> 37 FR at 22937 ("The complaints of consumers regarding door-to-door salesmen fall within five basic headings. These are: (1) Deception by salesmen in getting inside the door; (2) high pressure sales tactics; (3) misrepresentation as to the quality, price, or characteristics of the product; (4) high prices for low-quality merchandise; and (5) the nuisance created by the visit to the home by the

\_\_\_\_\_  
professor at Hamline University, commented on the

(exempting purchases of under \$25 where there is no contract or receipt); Oregon has no dollar limit, Or. Rev. Stat. Ann. sections 83.710, 720; and New York has a \$25 limit, N.Y. Pers. Prop. Law section 426.

<sup>31</sup> N.H. Rev. Stat. Ann. section 361-B:1.

<sup>32</sup> *See*, e.g., Second Am. Compl. at ¶¶ 11–16, 34–36, *et seq.*, *W. Va. v. [redacted]*, No. 14–C–1952 (W. Va. Cir. Ct. filed Nov. 6, 2014) (alleging that a roofing and home improvement company engaged in high pressure door-to-door solicitations that violated several consumer protection laws and regulations, including the state and federal cooling-off rules; Compl. at ¶ 1, *W. Va. v. [redacted]*, No. 570–9–14 Wncv (Vt. Super. Ct. filed Sept. 24, 2014) (alleging that a door-to-door meat salesman violated the state’s Consumer Protection Act by failing to notify consumers of their three-day right to cancel, misleading consumers regarding the price and guarantee on the meat, failing to disclose material information to the consumer, and selling meat without a required license); Compl.,

*W. Va. v. [redacted]*, No. CL13002796–00 (Chesapeake Cir. Ct. filed Nov. 25, 2013) (alleging that a door-to-door magazine company violated Virginia’s Consumer Protection and Home Solicitation Sales Acts) (default judgment granted Sept. 24, 2014). In contrast, the last time the Federal Trade Commission employed the federal Cooling-Off Rule in an enforcement action was nearly 15 years ago. Compl.,