

Indiana Legal Services, Inc

www.indianalegalservices.org

Door to Door Sales-Right to Cancel

If a salesperson comes to your door or calls you at home, and talks you into buying something you don't need, can't afford or simply don't want, you have the right to CANCEL the contract and get your money back.

What purchases does this apply to?

The right to cancel comes up in "home consumer transactions." A home consumer transaction means:

- A consumer sales of goods or services;
- With a price of \$25.00 or more;
- In which the seller first contacted the consumer;
- At the consumer's home, or any place other than the seller's regular place of business; AND
- Sold in person or by telephone.

What is a "consumer" sale or transaction?

It is a transaction involving property or services of any kind, if the property or services are mostly for personal, family or household purposes. It can be a sale, a lease, or even a contest or prize. Most insurance policies are not covered by this law.

How do I cancel and get my money back if I change my mind about a purchase?

You need to mail or take a signed and dated Cancellation Notice to the seller's place of business. You have to do this BEFORE midnight of the third business day after the date of the transaction. If you mail it, you need to get it in the mail before midnight of the third business day. You might want to send it certified mail, or get a certificate of mailing from the post office. This is not required, but it will give you proof that you mailed the notice.

What is a "business day?"

Every day except Sunday and federal holidays are business days. Federal holidays are: New Year's Day, President's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day. These holidays do not count as business days. Note that Saturdays are counted as business days.

What is a Cancellation Notice?

It is a signed statement that says you want to cancel the deal. You should have received a form Cancellation Notice from the seller when you bought the item. If you did not, here is a sample:

I hereby cancel the purchase of _____.

Buyer's Signature Date

What happens after I do this?

The seller must return your money and any documents you signed within 10 business days. The seller must also give back to you any property you traded in as part of the sale. You must make the item you bought available to the seller at your residence in good condition.

What if the seller does not pick up the item I bought?

If the seller does not pick up the item you bought within 20 days of your notice, you can keep the item and you don't have to pay any money for it.

Does the seller have to tell me about my right to cancel?

Yes. The seller must give you two copies of a written notice that tells you about your right to cancel. The notice must be on a separate document, in bold print, and must tell you the seller's address, an explanation of your right to cancel and what happens after cancellation, and the date by which you must cancel if you want to do so. Note that if the seller does not give you proper notice, your right to cancel continues until the third business day after you receive proper notice.

Can I cancel the purchase of an item I buy at the store?

No, not under this law. This law applies only if the purchase is made at your home or somewhere other than the seller's normal business place. If you go to the store and buy something there, you do not have this 3-day right to cancel.

My furnace broke and I got a new one. The seller said I could not cancel within 3 days. Is this true?

Probably. If you buy goods because of a personal emergency in your home, such as broken water pipes, a broken furnace in the winter, etc., you may not have the right to cancel the sale. However, the seller must explain this to you and have you sign a statement indicating that you understand you cannot cancel the sale.

What if I have a problem with a door to door sale?

You can contact the Indiana Attorney General's Office, Consumer Protection Division at

1.800.382.5516. You can also contact your local Better Business Bureau. You can also contact a private attorney or your local legal services provider.

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