

**As Reported by the House Insurance Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 405**

**Representatives Lorenz, Daniels**

---

**A BILL**

To amend section 1345.21 of the Revised Code to 1  
exclude consumer goods service contracts from 2  
home solicitation sales regulations. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1345.21 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 1345.21.** As used in sections 1345.21 to 1345.28 of 6  
the Revised Code: 7

(A) "Home solicitation sale" means a sale of consumer 8  
goods or services in which the seller or a person acting for the 9  
seller engages in a personal solicitation of the sale at a 10  
residence of the buyer, including solicitations in response to 11  
or following an invitation by the buyer, and the buyer's 12  
agreement or offer to purchase is there given to the seller or a 13  
person acting for the seller, or in which the buyer's agreement 14  
or offer to purchase is made at a place other than the seller's 15  
place of business. It does not include a transaction or 16  
transactions in which: 17

(1) The total purchase price to be paid by the buyer, 18  
whether under single or multiple contracts, is less than twenty- 19

five dollars; 20

(2) The transaction was conducted and consummated entirely 21  
by mail or by telephone if initiated by the buyer, and without 22  
any other contact between the seller or the seller's 23  
representative prior to the delivery of goods or performance of 24  
the service; 25

(3) The final agreement is made pursuant to prior 26  
negotiations in the course of a visit by the buyer to a retail 27  
business establishment having a fixed permanent location where 28  
the goods are exhibited or the services are offered for sale on 29  
a continuing basis; 30

(4) The buyer initiates the contact between the parties 31  
for the purpose of negotiating a purchase and the seller has a 32  
business establishment at a fixed location in this state where 33  
the goods or services involved in the transaction are regularly 34  
offered or exhibited for sale. 35

Advertisements by such a seller in newspapers, magazines, 36  
catalogues, radio, or television do not constitute the seller 37  
initiation of the contact. 38

(5) The buyer initiates the contact between the parties, 39  
the goods or services are needed to meet a bona fide immediate 40  
personal emergency of the buyer which will jeopardize the 41  
welfare, health, or safety of natural persons, or endanger 42  
property which the buyer owns or for which the buyer is 43  
responsible, and the buyer furnishes the seller with a separate, 44  
dated, and signed statement in the buyer's handwriting 45  
describing the situation requiring immediate remedy and 46  
expressly acknowledging and waiving the right to cancel the sale 47  
within three business days; 48

(6) The buyer has initiated the contact between the 49  
parties and specifically requested the seller to visit the 50  
buyer's home for the purpose of repairing or performing 51  
maintenance upon the buyer's personal property. If, in the 52  
course of such a visit, the seller sells the buyer additional 53  
services or goods other than replacement parts necessarily used 54  
in performing the maintenance or in making the repairs, the sale 55  
of those additional goods or services does not fall within this 56  
exclusion. 57

(7) The buyer is accorded the right of rescission by the 58  
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 59  
1635, or regulations adopted pursuant to it. 60

(B) "Sale" includes a lease or rental. 61

(C) "Seller" includes a lessor or anyone offering goods 62  
for rent. 63

(D) "Buyer" includes a lessee or anyone who gives a 64  
consideration for the privilege of using goods. 65

(E) "Consumer goods or services" means goods or services 66  
purchased, leased, or rented primarily for personal, family, or 67  
household purposes, including courses or instruction or training 68  
regardless of the purpose for which they are taken. 69

(F) "Consumer goods or services" does not include goods or 70  
services pertaining to any of the following: 71

(1) Sales or rentals of real property by a real estate 72  
broker or salesperson, or by a foreign real estate dealer or 73  
salesperson, who is licensed by the Ohio real estate commission 74  
under Chapter 4735. of the Revised Code; 75

(2) The sale of securities or commodities by a broker- 76

|   |                              |
|---|------------------------------|
| dealer registered with the securities and exchange commission;  | 77                           |
| (3) The sale of securities or commodities by a securities dealer or salesperson licensed by the division of securities under Chapter 1707. of the Revised Code;   | 78<br>79<br>80               |
| (4) The sale of insurance by a person licensed by the superintendent of insurance;  | 81<br>82                     |
| (5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;   | 83<br>84<br>85               |
| (6) The sale of property at an auction by an auctioneer licensed by the department of agriculture under Chapter 4707. of the Revised Code;  | 86<br>87<br>88               |
| <u>(7) The sale of consumer goods service contracts or related goods or services subject to section 3905.423 of the Revised Code.</u>   | 89<br>90<br>91               |
| (G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.  | 92<br>93<br>94               |
| (H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.   | 95<br>96                     |
| (I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, Martin Luther King day, Presidents' day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day. | 97<br>98<br>99<br>100<br>101 |
| <b>Section 2.</b> That existing section 1345.21 of the Revised Code is hereby repealed.   | 102<br>103                   |