

Ag 127

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STATE OF WISCONSIN                    )  
  )  
DEPARTMENT OF AGRICULTURE        )            SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed rules relating to home solicitation selling trade practices, Wis. Adm. Code chapter Ag 127, were duly adopted by this department on December 8, 1972.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 8th day of December, 1972.

  
Secretary of Agriculture

Docket No. 1034.

ORDER OF THE DEPARTMENT OF AGRICULTURE  
REPEALING, AMENDING AND ADOPTING RULES

Pursuant to authority vested in the Department of Agriculture by section 100.20, Wis. Stats., the Department of Agriculture hereby repeals, amends and adopts rules as follows:

Chapter Ag 127

HOME SOLICITATION SELLING

1. Section Ag 127.01(1) of the Wis. Adm. Code is amended to read:

Ag 127.01 Definitions. (1) "Home solicitation selling" means the selling or leasing, or the offering for sale or lease, of goods or services primarily for personal, family, or household purposes, including courses of instruction or training, where the sale, lease, or offer thereof is either personally solicited or consummated by a seller at the residence or place of business or employment of the buyer, at a seller's transient quarters, or away from seller's regular place of business. Personal solicitation includes solicitation made directly or indirectly by telephone, person-to-person contact, or by written or printed communication other than general advertising indicating a clear intent to sell goods or services at a regular place of business, and other than catalog or mail solicitation not accompanied by any other solicitation. Transient quarters includes hotel or motel rooms, or any other place utilized as a temporary business location.

2. Section Ag 127.01(3) (intro. par.) of the Wis. Adm. Code is amended to read:

Ag 127.01(3). "Seller" means a person or organization advertising, offering, or dealing in goods or services for the purpose of

home solicitation selling or providing or exercising supervision, direction, or control over sales practices used in the home solicitation sale, but does not include banks, savings and loan associations, insurance companies and public utilities to the extent exempt from department regulation under section 93.01(13), Wis. Stats., or licensed real estate brokers or salesmen with respect to real estate listings or the sale or leasing of real estate, or incidental sales made by persons not regularly engaged in the business of selling goods or services. The term includes a supplier or distributor if:

3. Section Ag 127.02(1) of the Wis. Adm. Code is amended to read:

Ag 127.02. Disclosure obligations; contract requirements. (1)  
In a home solicitation sale every seller shall, at the time of initial contact or communication with the buyer, clearly and expressly disclose: the seller's individual name, the name of the business firm or organization he represents, and the identity or kind of goods or services he offers to sell. When the initial contact is made person-to-person or through other oral communications, such disclosure shall be made before asking any questions or making any statements other than an initial greeting.

4. Section Ag 127.02(2) of the Wis. Adm. Code is amended to read:

Ag 127.02(2). In a home solicitation sale, before any sale is consummated or any contract signed, the seller shall fully disclose to the buyer the total price to be paid, less trade-ins or allowances, for any goods or services sold or to be sold, including credit or finance charges other than those made pursuant to prior ex-

isting open-end credit arrangements, and all other terms and conditions of sale affecting the buyer's obligation for payment. In credit transactions other than those made pursuant to prior existing open-end credit plans, the seller shall furnish to the buyer prior to the time first payment is due, a true copy of any agreement signed by the buyer evidencing the transaction showing the individual name of the person making the sale, and the name, mailing address and telephone number of the person or firm whom the seller represents. In cash transactions, the seller shall furnish the buyer, at or prior to the time payment is made, a sales slip or other document evidencing the transaction showing the date of sale, a description of the property or services sold, the total price paid or to be paid less trade-ins or allowances, the individual name of the person making the sale, and the name, mailing address and telephone number of the person or firm whom the seller represents. If a language other than English is principally used in making the sale, all sales documents or agreements must be both in English and in the language principally used.

5. Section Ag 127.02(3) of the Wis. Adm. Code is repealed.

6. Section Ag 127.03(1)(a) of the Wis. Adm. Code is amended to read:

Ag 127.03(1)(a). Is making an offer to specially selected persons or that the buyer or prospective buyer has been specially selected, unless such representations are true and the specific basis on which such representations are made is concurrently disclosed to the prospective buyer.

7. Section Ag 127.03(1)(c) of the Wis. Adm. Code is amended to read:

Ag 127.03(1)(c). Is conducting a special sales promotion campaign or making a special offer limited to a few persons only or for a limited period of time, or is authorized to place the product or service in a few homes, unless the representations are true and the specific basis on which such representations are made is concurrently disclosed to the prospective buyer.

8. Section Ag 127.03(1)(d) of the Wis. Adm. Code is amended to read:

Ag 127.03(1)(d). Will give any product or service free or as a gift or without cost or charge, or at a nominal cost or charge, if the furnishing of such product or service is contingent on the making of any payment or purchase of any other product or service. Other terms, conditions and obligations upon which receipt and retention of any gift or free item are contingent shall be fully and clearly disclosed in connection with the offer of any gift or free item. This does not prohibit the making of combination offers where the purchase of one item at a reduced price is contingent upon the purchase of other items at a regular price, provided the terms and conditions of the offer are fully disclosed to the buyer, the buyer is informed of the total price he must pay and the price of items included in the offer are based on the price at which such items are regularly sold by the seller.

9. Section 127.03(1)(e) of the Wis. Adm. Code is repealed.

10. Section 127.03(1)(f) of the Wis. Adm. Code is renumbered section 127.03(1)(e).

11. Section 127.03(1)(g) of the Wis. Adm. Code is renumbered section 127.03(1)(f).

12. Section 127.03(2)(g) of the Wis. Adm. Code is adopted to read:

Ag 127.03(2)(g). Finance or interest charges or installments to be paid in connection with sales made on credit, or any other terms or conditions under which credit will be extended.

13. Section Ag 127.03(4) of the Wis. Adm. Code is amended to read:

Ag 127.03(4). No person engaged in making a home solicitation sale shall make any material representations with respect to the warranty or guarantee of the product or services he sells unless such representations are true and are furnished to the buyer in writing as part of any sales document or agreement, or in a separate statement of warranty or guarantee. Separate statements of warranty or guarantee shall be furnished to the buyer prior to the time first payment is due.

14. Section Ag 127.03(5) of the Wis. Adm. Code is adopted to read:

Ag 127.03(5). No person engaged in making a home solicitation sale shall make any statement or representations inconsistent with or contradictory to any contract document or instrument in writing evidencing the transaction.

15. Section Ag 127.04 of the Wis. Adm. Code is repealed.

16. Section Ag 127.05 of the Wis. Adm. Code is renumbered section Ag 127.04.

Dated this 8th day of December, 1972.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

  
Secretary of Agriculture