

367.570 Definitions.

For purposes of KRS 367.570 to 367.585 unless the context requires otherwise:

- (1) "Negative option plan" means a contractual plan or arrangement under which a seller periodically sends to subscribers an announcement which identifies merchandise (other than annual supplements to previously acquired merchandise) it proposes to send to subscribers to such plan, and the subscribers thereafter receive and are billed for the merchandise identified in each such announcement, unless by a date or within a time specified by the seller with respect to each such announcement the subscribers, in conformity with the provisions of such plan, instruct the seller not to send the identified merchandise.
- (2) "Subscriber" means any person who has agreed to receive the benefits of, and assume the obligations entailed in, membership in any negative option plan and whose membership in such negative option plan has been approved and accepted by the seller.
- (3) "Contract-complete subscriber" refers to a subscriber who has purchased the minimum quantity of merchandise required by the terms of membership in a negative option plan.
- (4) "Promotional material" refers to an advertisement containing or accompanying any device or material which a prospective subscriber sends to the seller to request acceptance or enrollment in a negative option plan.
- (5) "Selection" refers to the merchandise identified by a seller under any negative option plan as the merchandise which the subscriber will receive and be billed for, unless by the date or within the period specified by the seller, the subscriber instructs the seller not to send such merchandise.
- (6) "Announcement" refers to any material sent by a seller using a negative option plan in which the selection is identified and offered to subscribers.
- (7) "Form" refers to any form which the subscriber returns to the seller to instruct the seller not to send the selection.
- (8) "Return date" refers to a date specified by a seller using a negative option plan as the date by which a form must be received by the seller to prevent shipment of the selection.
- (9) "Mailing date" refers to the time specified by a seller using a negative option plan as the time by or within which a form must be mailed by a subscriber to prevent shipment of the selection.

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History: Amended 1984 Ky. Acts ch. 111, sec. 150, effective July 13, 1984. -- Created 1978 Ky. Acts ch. 304, sec. 1, effective June 17, 1978.