

367.819 Cancellation by purchaser.

- (1) The purchaser of a business opportunity has the right to cancel as set forth in this chapter as well as the right to cancel such purchase for any reason at any time prior to midnight of the thirtieth calendar day after signing a contract for purchasing the business opportunity. In addition, the purchaser may cancel such purchase at any time for the following violations:
 - (a) Not providing locations as represented;
 - (b) Failing to deliver goods or merchandising materials as represented; or
 - (c) Failing to comply with KRS 367.809(2).
- (2) Cancellation occurs when the consumer/investor gives written notice to the offeror at the address given in the purchase agreement or otherwise provided by the offeror and the notice and statement of the buyer's right to cancel provided for in subsection (1) of this section.
- (3) Notice of cancellation, if given by mail, is given when it is deposited in the mail properly addressed and postage prepaid.
- (4) Notice of cancellation given by the purchasers need not take a particular form and is sufficient if it indicates by form of written expression the intention of the buyer not to be bound by any contract to purchase the business opportunity.
- (5) Within fifteen (15) days after the date of notice of cancellation by the consumer/investor, the seller must tender to the consumer/investor any payments as well as shipping costs made by him and terminate all financial obligations created in connection with the purchase of the business opportunity. Within five (5) days of refund, the consumer/investor shall make available to the offeror the items delivered by the offeror.
- (6) Any waiver by the consumer/investor of a business opportunity of the rights provided in this section is null and void, and will not operate to relieve the seller of any obligation placed upon him by this section.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 329, sec. 7, effective July 15, 1994. -- Amended 1984 Ky. Acts ch. 111, sec. 195, effective July 13, 1984. -- Created 1978 Ky. Acts ch. 315, sec. 10, effective June 17, 1978.