

- Sections & Committees →
- Other Bar Groups →
- Pro Bono →
- Client Assistance & Grievance
- Professional Requirements →
- News & Publications →
- Other Services →
- Additional Information for the Public
- About the State Bar →
- eFiling for Courts →
- Member Benefits →
- Marketplace →

**\* FIND A LAWYER**

Bar Card #

First Name

Last Name

**Need a Lawyer?  
Get a Referral**

- Print this page
- Bookmark
- Tell a friend

TBJ | Client Page

March 2001

**Door-to-Door Sales**

"State and federal laws protect you from unscrupulous sellers who come to your home misrepresentations and foot-in-the-door tactics to pressure you into buying goods or services. These consumer protection laws give the buyer three days to rethink the purchase and transaction.

You can protect yourself by exercising your rights as a consumer."

- John Cornyn, Texas Attorney

**What is a Door-to-Door Sale?**

Products frequently misrepresented by door-to-door salespeople include siding and stucco windows, funeral service contracts, living trusts, books, and magazines. A door-to-door law calls it a "home solicitation transaction") takes place whenever a consumer purchases or services for more than \$25 payable in cash or installments, at a place other than the place of business (including at the consumer's home).

The door-to-door sales laws do not apply to certain transactions, such as sales where negotiations took place at the merchant's place of business, or sales conducted entirely by telephone.

Consult your attorney for guidance on which laws apply and how you should proceed.

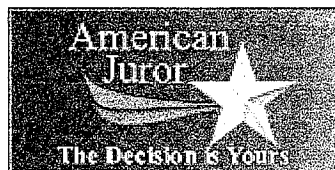
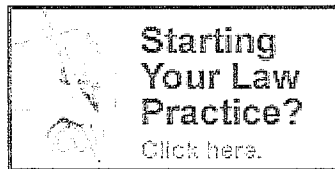
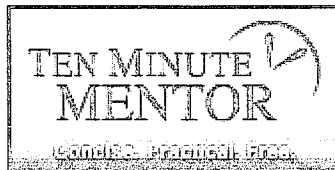
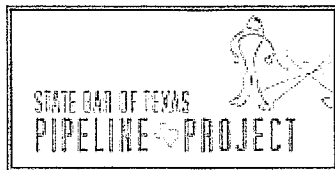
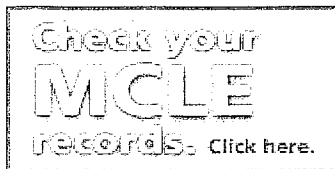
**Watch Out for Tricks**

- Be suspicious of anyone who tries to sell by playing on your emotions. For example, sellers will suggest you are shirking your responsibilities to your family if you don't purchase the product.
- Be suspicious of salespeople who say they have done other work in your city or neighborhood, but refuse to give you the names of past customers.

Ask yourself how you will get your money back if the salesperson doesn't deliver or if the product is defective. If you buy from a reputable local business, you can take the product back. If you buy from a fly-by-night seller, chances are you'll never see him or her again.

**What the Law Says**

Under Texas law [Texas Business & Commerce Code, Sec. 39.001 et seq.], the door-to-door seller must do the following:



1. Advise you orally or in writing of your three day right to cancel.
2. Give you a contract or receipt stating the date of sale, the name and address of the seller and a statement to you of your right to cancel the contract which includes the address to which you send your cancellation notice.

#### Canceling a Door-to-Door Sale

If the salesperson provided you with the right forms, to cancel the sale you may simply fill out one titled "notice of cancellation," date it, and mail it back to the seller. To obtain a full refund, you must do this before midnight of the third business day after the sale. Keep a copy of the form.

If the salesperson did not provide a cancellation form, you may still cancel your contract if the seller violated the law by not providing the form, you have extra time. But remember, you must cancel in writing. Be sure to keep a copy of the contract and your letter notifying the seller of the cancellation.

#### Don't Be a Victim

- Don't be pushed into signing a contract or giving your money to a salesperson unless you are sure you want the product. Take time to think about it.
- Keep your receipt or contract and a copy of your cancellation notice. You may need to seek legal help. You should mail your notice by certified mail to prove you complied with the law.
- Contact the Better Business Bureau before buying anything door-to-door.
- If you want to file a complaint or report a possible violation of the door-to-door sale law, contact the Better Business Bureau or the Attorney General regional office nearest you.

---

This page was adapted from the brochure, "Door-to-Door Sales," prepared by the Consumer Protection Division of the Office of the Attorney General of Texas. For more information call 252-8011 or visit [www.oag.state.tx.us](http://www.oag.state.tx.us).

[table of contents](#)

[Home](#) [Calendar](#) [Shopping Cart](#) [Contact Us](#) [Site Map](#)

© 1996-2007 State Bar of Texas. [Privacy Policy](#) [Disclaimer](#) [Advertise With Us](#)