



SPONSOR: Rep. Keeley & Sen. Henry
Reps. Bolden, Ramone, Wilson; Sen. Ennis

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 45

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONSUMER PROTECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Section 2523, Chapter 25, Title 29 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 § 2523. Administrative process and appeals

4 (f) Personal jurisdiction by acts of nonresident respondents. As to any administrative proceeding authorized by
5 this section, personal jurisdiction may be exercised over any nonresident respondent who, in person or through an agent,
6 commits any of the acts identified in § 3104(c) of Title 10 that would constitute legal presence in the State.

7 (g) Service of process to obtain personal jurisdiction. Any of the following methods of service of process shall be
8 sufficient to obtain personal jurisdiction over a respondent in an administrative proceeding authorized by this section:

9 (1) Personal hand delivery.

10 (2) Any method of service of process effective under Rule 4(f) of the Superior Court Rules of Civil
11 Procedure.

12 (3) Any method of service of process that would be effective to obtain personal jurisdiction in the
13 Superior Court under § 3104 of Title 10.

14 (h) Administrative hearing subpoenas. Upon the request of any party to an administrative proceeding authorized
15 by this section, the administrative hearing officer is empowered to issue subpoenas to non-parties to allow for witnesses or
16 other evidence to be presented at an administrative hearing. If the non-party fails to comply with the subpoena, the party
17 which requested the subpoena may seek an order from the Superior Court compelling the non-party to comply with the
18 subpoena. An order issued by the Superior Court pursuant to this subsection may be punished by the Superior Court as a
19 contempt of Court.

SYNOPSIS

This Act clarifies (i) how personal jurisdiction shall be obtained over nonresident respondents in administrative proceedings brought by the Director of Consumer Protection pursuant to Section 2523, Title 29 of the Code, and (ii) the manner in which service of process may be made upon respondents in those proceedings. This Act also empowers administrative hearing officers appointed under Section 2523(b), Title 29 to issue subpoenas upon request of the parties to the administrative proceeding, in order to enable the parties to present evidence not otherwise available to them.

