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HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 103

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HOME IMPROVEMENT FRAUD

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

1 Section 1. Amend § 916, Title 11 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 916. Home improvement fraud; class B felony; class D felony; class G felony, class F felony; class A
4 misdemeanor.

5 (a) For the purpose of this section, the following definitions shall apply:

6 (3) A "home improvement contract" is any agreement, whether written or oral, whereby a person offers or
7 agrees to provide home improvements in exchange for a payment in any form of money regardless of whether any such
8 payments have been made, and includes all agreements for labor, services, and materials to be furnished and
9 performed under the contract.

10 (d)(1) Except where the person who purchased the home improvement is 62 years of age or older, or an "adult who
11 is impaired" as defined in §3902(2) of Title 31, or a "person with a disability" as defined in §3901(a)(2) of Title 12,
12 ~~Home~~home improvement fraud is a class A misdemeanor, unless: the loss to the person who purchasaed the home
13 improvement is \$1500 or more, in which case it is a class G felony.

14 (1) ~~The contract price or the total amount actually paid to the defendant by or on behalf of the person who~~
15 ~~purchased the home improvement is \$1,500 or more;~~

16 (2) ~~The~~Where the person who purchased the home improvement is 62 years of age or older; or an "adult who
17 is impaired" as defined in §3902(2) of Title 31, or a "person with a disability" as defined in §3901(a)(2) of Title 12,
18 home improvement fraud is a class G felony, unless the loss to the person who purchased the home improvement is
19 \$1500 or more, in which case it is a class F felony.

(3) ~~The defendant has previously been convicted under this section;~~ Notwithstanding paragraphs (1) and (2) of this subsection:

~~in which case it is a class G felony.~~

a. Where the loss to the person who purchased the home improvement is at least \$50,000 but less than \$100,000, home improvement fraud is a class D felony.

b. Where the loss to the person who purchased the home improvement is at least \$100,000, home improvement fraud is a class B felony.

SYNOPSIS

The Act amends Section 916 of Title 11 of the Code so that the statutory penalties for the crime of home improvement fraud increase as the amount of the loss to the victim increases, using the same scale applicable to Theft under Section 841 of Title 11 and New Home Construction Fraud under Section 917 of Title 11. Like Theft under Section 841 of Title 11, the amendment also provides for an increase in the level of the offense for amounts under \$50,000 where the victim is 62 years of age or older or an "adult who is impaired" or a "person with a disability" as defined in the Code. The Act also amends the definition of "home improvement contract" to provide that a victim's payment can be in any form, not just money, and to clarify that a "home improvement contract" includes all agreements for labor, services and materials to be furnished and performed under the home improvement contract.