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

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 45
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

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

§ 2523. Administrative process and appeals

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

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

(1) Personal hand delivery.

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

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

(h) *Administrative hearing evidence.* Upon the request of any party to an administrative proceeding authorized by this section, the administrative hearing officer is empowered to issue subpoenas to non-parties to allow for witnesses or other evidence to be presented at an administrative hearing. If the non-party fails to comply with the subpoena, the party which requested the subpoena may seek an order from the Superior Court compelling the non-party to comply with the subpoena. An order issued by the Superior Court pursuant to this subsection may be punished by the Superior Court as a contempt of Court. With respect to non-parties who are not subject to subpoena, the administrative hearing officer is empowered to issue commissions to allow for testimony or other evidence to be obtained for presentation at an

administrative hearing. The administrative hearing officer shall, prior to issuing a subpoena or commission, ensure that the subpoena or commission does not impose undue burden or expense on the person subject to the subpoena or commission.