

CHAPTER 237
FORMERLY
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:

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

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

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

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

(d)(1) Except where the person who purchased the home improvement is 62 years of age or older, or an "adult who 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, Home home improvement fraud is a class A misdemeanor, unless; the loss to the person who purchasaed the home improvement is \$1500 or more, in which case it is a class G felony.

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

(2) ~~The~~ Where the person who purchased the home improvement is 62 years of age or older; or an "adult who 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, home improvement fraud is a class G felony, unless the loss to the person who purchased the home improvement is \$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.

Approved May 9, 2018