

CHAPTER 219
FORMERLY
HOUSE BILL NO. 234

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO CONSUMER PROTECTION.

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

Section 1. Amend §2522(a), Title 6 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(a) Whenever it appears to the Attorney General that a person has engaged in, is engaging in or is about to engage in any practice declared by this subchapter to be unlawful, the Attorney General may institute an action in accordance with ~~§ 2517(e)(2) [repealed]~~ Subchapter II of Chapter 25 of Title 29 in order to enjoin such practices or any acts being done in furtherance thereof. The complaint shall state the nature of the conduct constituting a violation of this subchapter and the relief sought thereunder. Such action shall be brought in a court of competent jurisdiction in the county in which the alleged unlawful practice has been, is, or is about to be performed.

Section 2. Amend §2527(a), Title 6 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(a) All money received by the State as a result of actions brought by the Attorney General pursuant to ~~[former] § 2517(e)~~ Subchapter II of Chapter 25 of Title 29 ~~[repealed]~~ or pursuant to the state or federal antitrust laws shall be credited by the State Treasurer to a fund to be known as the "Consumer Protection Fund."

Section 3. Amend §2527(b), Title 6 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(b) The Consumer Protection Fund will be a revolving fund and shall consist of funds transferred to the revolving fund pursuant to actions brought pursuant to ~~[former] § 2517(e)~~ Subchapter II of Chapter 25 of Title 29 ~~[repealed]~~ or an antitrust action, gifts or grants made to the revolving fund and funds awarded to the State or any agency thereof for the recovery of costs and attorney fees in a consumer fraud or an antitrust action; provided, however, that to the extent that such costs constitute reimbursement for expenses directly paid from constitutionally dedicated funds, such recoveries shall be transferred to the constitutionally dedicated fund.

Section 4. Amend §2527(c), Title 6 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(c) Money in the Consumer Protection Fund shall not exceed \$300,000 in any fiscal year and shall be used solely for the payment of expenses incurred by the Attorney General in connection with its activities under ~~[former] § 2517(e)~~ Subchapter II of Chapter 25 of Title 29 ~~[repealed]~~, this chapter or the state or federal antitrust laws. At the end of any fiscal year, if the balance in the Consumer Protection Fund exceeds \$300,000, the excess shall be withdrawn from the Consumer Protection Fund and deposited in the General Fund.

Section 5. Amend §2809, Title 6 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 2809. Enforcement.

Violations of this subchapter shall be within the scope of the enforcement duties and powers of the State Division of Consumer Protection as described in ~~§ 2517(e)(1)~~ Subchapter II of Chapter 25 of Title 29 ~~[repealed]~~.

Section 6. This Act takes effect upon its enactment into law.

Approved March 30, 2012