



SPONSOR: Rep. K. Williams & Sen. Walsh
Reps. Baumbach, Bennett, Hensley, Osienski, Viola;
Sens. Delcollo, Sokola

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 328

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

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

Section 1. Amend Subchapter IV, Chapter 27, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2731. Definitions.

~~As used in~~ For purposes of this subchapter:

(1) "Consumer" means an individual who purchases or leases merchandise primarily for personal, ~~family~~ family, or household purposes.

(2) "Lease" means any lease, offer to ~~lease~~ lease, or attempt to lease any merchandise.

(3) "Merchandise" means any objects, wares, goods, commodities, intangibles, ~~real-estate~~ real estate, or services, other than insurance.

(4) "Person" means an individual, corporation, government or governmental subdivision or agency, statutory trust, business trust, estate, trust, partnership, unincorporated association, 2 or more of any of the foregoing having a joint or common ~~interest~~ interest, or any other legal or commercial entity.

() "Residential waste" means as defined in § 6052 of Title 7.

(5) "Sale" means any sale, offer for ~~sale~~ sale, or attempt to sell any merchandise for cash or credit.

() "Solid waste collection services" means as regulated under Chapter 60 of Title 7.

§ 2734. Remedies.

(a) Any person who engages in a deceptive practice governed by this subchapter shall be liable to a consumer in an amount equal to treble the amount of actual damages proved, plus reasonable attorney's fees.

(b) A consumer likely to be damaged by a deceptive practice governed by this subchapter may be granted an injunction against it under the principles of equity and on terms the court considers reasonable.

(c) The remedies and penalties under this chapter are not exclusive and are in addition to any other procedures, rights, or remedies which exist with respect to any other provisions of law including Subchapter II and Subchapter III of Chapter 25 of this title.

§ 2736. Enforcement.

~~In addition to any remedies a consumer may have at law or in equity, Chapter 25 of Title 29 shall apply to violations of this subchapter.~~

(a) The Attorney General has the same authority to enforce and carry out this subchapter as under Chapter 25 of Title 29.

(b) A violation of this subchapter shall be deemed an unlawful practice under § 2513 of this title and a violation of Subchapter II of Chapter 25 of this title.

§ 2737. Residential waste collection; unlawful practices.

(a) It is an unlawful practice for a person providing solid waste collection services for the collection of residential waste to charge and collect more than 1 fee each billing cycle. The fee must be inclusive of all charges incident to collecting the residential waste except as provided under subsection (b) of this section.

(b) A person providing solid waste collection services to collect residential waste may charge an additional fee for any of the following:

(1) Late payment or nonpayment of an amount due.

(2) Replacement of a lost or damaged container provided for the purpose of storage and collection of residential waste.

(3) Collection of waste that cannot be collected using the container provided by the solid waste collection service.

(c) This section applies to a sale after [the effective date of this Act], including a contract renewal.

Section 2. This Act takes effect 6 months after its enactment into law.

SYNOPSIS

This Act prohibits multiple service charges for residential trash collection service. However, under this Act, specific charges are allowed for the following:

1. Late or nonpayment of an amount due.
2. Replacement of a container.
3. Collecting waste that cannot be collected using the container.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.