



SPONSOR: Rep. B. Short & Sen. Katz, Reps. Barbieri, Gilligan, Heffernan,
Jaques, Q. Johnson, Kowalko, Mitchell, Schooley, Viola, Sen.
Cloutier

HOUSE OF REPRESENTATIVES

146th GENERAL ASSEMBLY

HOUSE BILL NO. 49
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO HOME SOLICITATIONS AND DOOR TO DOOR SALES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 4405, Title 6 of the Delaware Code by renumbering § 4405 as § 4407.

Section 2. Amend Title 6 of the Delaware Code by creating a new § 4405 and § 4406 to read as follows:

“§ 4405. Door-to-door salesperson identification card.

(a)(1) Any seller or seller’s representative who solicits a door-to-door sale at a home shall prominently display a door-to-door salesperson identification card obtained from the Department of Finance while soliciting a door-to-door sale. The door-to-door salesperson identification card shall be displayed on the person of the seller or the seller’s representative in such a manner so that a potential buyer shall be able to view the door-to-door salesperson identification card during any transaction with the seller or the seller’s representative soliciting a door-to-door sale.

(2) The Department of Finance shall issue the door-to-door salesperson identification card.

(3) A door-to-door salesperson’s identification card may not be reproduced; as such, the Department of Finance must include a watermark or another feature which proves that the card is an original, and not a reproduction.

(4) A door-to-door salesperson identification card shall contain and display the following information concerning a seller or seller’s representative:

- a. the seller’s business name;
- b. the full legal name of the seller or the seller’s representative;
- c. the telephone number of the seller;

- d. the address of the seller's place of business; and
- e. the State of Delaware business license number of the seller.

(5) For purposes of this section, the term 'door-to-door sale' shall include a transaction that would be a door-to-door sale but for the \$25 purchase price limitation in the definition of 'door-to-door sale' in § 4403(3), Chapter 44, regardless of the purchase price.

(6) This section shall apply only to a door-to-door sale where the seller or the seller's representative personally solicits the sale at the residence of a person and where the solicitation involves contact with the person other than by merely leaving written solicitation or advertising materials at the person's residence without speaking with the person.

(7) This section does not apply to a door-to-door sale solicited:

- a. via telephone, mail, email, or internet;
- b. where the seller or the seller's representative solicits a person or persons who have been invited to the owner's, lessee's, and/or resident's home for the purpose of hearing the solicitation;
- c. where the owner, lessee and/or resident of a home invited a seller or a seller's representative into and/or to the home for the purpose of such solicitation;
- d. by a nonprofit organization under § 501(c) of the Internal Revenue Code (26 U.S.C. § 501(c)) or Delaware law; or
- e. by a public utility or cable television system operator, as defined in 26 Del. C. §§ 102(2) or (4), or its agents, provided that such salespersons prominently display an identification card containing the name of the public utility or cable television system operator and in such a manner that a potential buyer shall be able to view it during any transaction with the seller or a representative thereof soliciting a door-to-door sale.

(8) Whoever violates this section shall for the first offense be fined not less than \$75 nor more than \$150. For each subsequent like offense the person shall be fined not less than \$100 nor more than \$250.

(b)(1) The Department of Finance shall educate the public that this statute exists and what an individual can do if the individual reasonably believes that a door-to-door salesperson is not complying with the provisions of §4405 and §4406 of this chapter.

(2) The Department of Finance must provide on its website a list of door-to-door salesperson identification cards, and such list must include the information contained on each identification card.

§ 4406. Time of solicitation.

(1) A door-to-door sale shall be solicited by a seller or a seller's representative at a home between the hours of 9 a.m. to 8 p.m. prevailing Delaware time, only.

(2) For purposes of this section, the term 'door-to-door sale' shall include a transaction that would be a door-to-door sale but for the \$25 purchase price limitation in the definition of 'door-to-door sale' in § 4403(3), Chapter 44, regardless of the purchase price.

(3) This section does not apply to a door-to-door sale solicited:

- a. via telephone, mail, email, or internet;
- b. where the seller or the seller's representative solicits a person or persons who have been invited to the owner's, lessee's, and/or resident's home for the purpose of hearing the solicitation;
- c. where the owner, lessee and/or resident of a home invited a seller or a seller's representative into and/or to the home for the purpose of such solicitation;
- d. by a nonprofit organization under § 501(c) of the Internal Revenue Code (26 U.S.C. § 501(c)) or Delaware law; or
- e. by a public utility or cable television system operator, as defined in 26 Del. C. §§ 102(2) or (4), or its agents, provided that such salespersons prominently display an identification card containing the name of the public utility or cable television system operator and in such a manner that a potential buyer shall be able to view it during any transaction with the seller or a representative thereof soliciting a door-to-door sale.

(4) Whoever violates this section shall for the first offense be fined not less than \$75 nor more than \$150. For each subsequent like offense the person shall be fined not less than \$100 nor more than \$250.”.

Section 3. Amend § 4403, Title 6 of the Delaware Code by adding a new subsection (7) to read as follows:

“(7) ‘Home’ shall mean a house, dwelling, condominium, townhouse, apartment or such other residential building or dwelling in which a person resides.”.

Section 4. This Act shall take effect 120 days after its enactment into law.