



SPONSOR: Rep. D.E. Williams & Sen. Cloutier
Reps. Heffernan, Longhurst, Mulrooney; Sen. Poore

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 173

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO DOOR-TO-DOOR SOLICITATIONS.

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

1 Section 1. Amend § 4403, Title 6 of the Delaware Code by making an insertion as shown by underlining as
2 follows:

3 (3) "Door-to-door sale" shall mean a sale, lease or rental of consumer goods or services with a purchase price of
4 \$25 or more, whether under single or multiple contracts, in which the seller or the seller's representative personally solicits
5 the sale, including those in response to or following an invitation by the buyer, and the buyer's agreement or offer to
6 purchase is made at a place other than the place of business of the seller. The term shall include sales solicited by
7 physically placing business cards, advertisements, or leaflets at the home of an owner, lessee, or resident. The term "door-
8 to-door sale" does not include a transaction:

9 Section 2. Amend § 4405, Title 6 of the Delaware Code by making an insertion as shown by underlining and a
10 deletion as shown by strike through as follows:

11 (a)(7)a. Solely ~~V~~via telephone, mail, e-mail, or Internet;

12 Section 3. Amend § 4406, Title 6 of the Delaware Code by making insertions as shown by underlining and
13 deletions as shown by strike through as follows:

14 § 4406. Time of solicitation.

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

17 (b) For purposes of this section, the term "door-to-door sale" shall include a transaction that would be a door-to-
18 door sale but for the \$25 purchase price limitation in the definition of "door-to-door sale" in § 4403(3) of this title,
19 regardless of the purchase price.

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

21 (1) Solely ~~V~~via telephone, mail, e-mail, or Internet;

(2) 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;

(3) 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;

~~(4) By a nonprofit organization under § 501(c) of the Internal Revenue Code (26 U.S.C. § 501(c)) or Delaware law; or~~

~~(5) By a public utility or cable television system operator, as defined in § 102(2) or (4) of Title 26, 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.~~

(d) 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 4. Amend § 4407, Title 6 of the Delaware Code by striking it in its entirety and substituting in lieu thereof the following:

§ 4407. Prohibition of solicitation.

(a) The owner, lessee, or resident of a home may provide notice to a seller, or seller's representative, prohibiting solicitation of a door-to-door sale at the owner's, lessee's, or resident's home, either in writing, or by conspicuously displaying on or near the entrance door to the home, a sign bearing the words: "No Solicitors," "No Soliciting," or "Soliciting Prohibited."

(b) A door-to-door sale may not be solicited by a seller or a seller's representative, at a home, where prohibited by the owner, lessee, or resident pursuant to § 4407(a) of this title.

(c) 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) of this title, regardless of the purchase price.

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

(1) Solely via telephone, mail, e-mail, or Internet;

(2) 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, provided that such invitation shall not have been previously revoked in writing at least 30 days prior to the solicitation taking place;

51 (3) Where the owner, lessee and/or resident of a home invited a seller or a seller's representative into
52 and/or to the home for the purpose of such solicitation, provided that such invitation shall not have
53 been previously revoked in writing at least 30 days prior to the solicitation taking place;

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

56 Section 5. Amend Chapter 44, Title 6 of the Delaware Code by inserting a new Section 4408 as shown by
57 underlining as follows:

58 § 4408. Enforcement.

59 In addition to any remedies the buyer may have at law or in equity, the authority of the Attorney General under
60 Chapter 25 of Title 29 shall apply to violations of this chapter.

SYNOPSIS

This bill refines the regulation of residential door-to-door solicitations. Specifically, Section one expands the definition of "door-to-door sale" by including the placement of business cards, advertisements, or leaflets at homes. Section two specifies that salesperson identification cards are not required where the solicitation is not in person, but rather is made solely via telephone, mail, email, or Internet. Section three removes the exception for nonprofits, public utilities, and cable operators relative to the 9 a.m. to 8 p.m. solicitation time window. Section four permits residents to prohibit solicitations at their residences by providing written notice to solicitors or by posting signage at a residence entrance. And Section five simply renumbers the enforcement section.