

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

2 HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

3 HOUSE BILL NO. 49

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

5
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

7
8 Section 1. Amend § 4405, Title 6 of the Delaware Code by renumbering § 4405 as § 4407.

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

11 “§ 4405. Door-to-door salesperson identification card.

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

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

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

21 a. the seller’s business name;

22 b. the full legal name of the seller or the seller’s representative;

- 23 c. the telephone number of the seller;
- 24 d. the address of the seller's place of business; and
- 25 e. the State of Delaware business license number of the seller.

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

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

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

- 34 a. via telephone, mail, email, or internet;
- 35 b. where the seller or the seller's representative solicits a person or persons who have
36 been invited to the owner's, lessee's, and/or resident's home for the purpose of hearing
37 the solicitation;
- 38 c. where the owner, lessee and/or resident of a home invited a seller or a seller's
39 representative into and/or to the home for the purpose of such solicitation;
- 40 d. by a nonprofit organization under § 501(c) of the Internal Revenue Code (26 U.S.C.
41 § 501(c)) or Delaware law; or
- 42 e. by a public utility or cable television system operator, as defined in 26 Del. C. §§
43 102(2) or (4), or its agents, provided that such salespersons prominently display an
44 identification card containing the name of the public utility or cable television system
45 operator and in such a manner that a potential buyer shall be able to view it during any
46 transaction with the seller or a representative thereof soliciting a door-to-door sale.

47 (7) Whoever violates this section shall for the first offense be fined not less than \$75 nor more
48 than \$150. For each subsequent like offense the person shall be fined not less than \$100 nor more than
49 \$250.

50 § 4406. Time of solicitation.

51 (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
52 a.m. to 8 p.m. prevailing Delaware time, only.

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

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

57 a. via telephone, mail, email, or internet;

58 b. where the seller or the seller's representative solicits a person or persons who have been invited to the
59 owner's, lessee's, and/or resident's home for the purpose of hearing the solicitation;

60 c. where the owner, lessee and/or resident of a home invited a seller or a seller's
61 representative into and/or to the home for the purpose of such solicitation;

62 d. by a nonprofit organization under § 501(c) of the Internal Revenue Code (26 U.S.C. §
63 501(c)) or Delaware law; or

64 e. by a public utility or cable television system operator, as defined in 26 Del. C. §§ 102(2)
65 or (4), or its agents, provided that such salespersons prominently display an identification
66 card containing the name of the public utility or cable television system operator and in
67 such a manner that a potential buyer shall be able to view it during any transaction with the
68 seller or a representative thereof soliciting a door-to-door sale.

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

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

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

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

77 .

78

SYNOPSIS

This Act provides that any person who solicits a door-to-door sale shall display a door-to-door salesperson identification card which shall include the person’s name, employer, employer telephone number, employer address and the State of Delaware business license number. This bill also provides that a door-to-door sale shall be solicited between the hours of 9 a.m. to 8 p.m. prevailing Delaware time, only. A door-to-door salesperson identification card applies to sales solicited at a home, only. Additionally, this bill provides an exception for persons conducting home sales events, public utilities and cable television system operators from the requirement of having a door-to-door salesperson identification card. Furthermore, persons soliciting sales via telephone, mail, email, or internet are also excluded from application of this Act.

79