

TITLE 6
Commerce and Trade
SUBTITLE II
Other Laws Relating to Commerce and Trade
CHAPTER 44. HOME SOLICITATION SALES

§ 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 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)ⁱ of this title, 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, e-mail, 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 § 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.

(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 Financeⁱⁱ 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 this section and § 4406 of this title.

(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.

[78 Del. Laws, c. 221, § 2;](#)

§ 4406 Time of solicitation.

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

(b) 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.

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

(1) 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.

[78 Del. Laws, c. 221, § 2;](#)

§ 4407 Enforcement.

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

6 Del. C. 1953, § 4407; [58 Del. Laws, c. 391](#); [60 Del. Laws, c. 543, § 1](#); [69 Del. Laws, c. 291, § 98\(a\)](#); [77 Del. Laws, c. 282, § 12](#); [78 Del. Laws, c. 221, § 1.](#)

ⁱ Section 4403 gives the definition of Door to Door sale:

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

- a. Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis;
- b. In which the consumer is accorded the right of rescission by the Consumer Credit Protection Act (15 U.S.C. § 1635) or regulations issued pursuant thereto;
- c. In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within 3 business days;
- d. In which the buyer has initiated the contact and the transaction is conducted and consummated entirely by mail or telephone;
- e. In which the buyer has initiated the contact and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or
- f. Pertaining to the sale or rental of real property, to the sale of insurance or to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission.

Except as provided above, the term door-to-door sale shall include any sale solicited and consummated via any telephone.

ii The Department of Finance provides the following information:

DOOR-TO-DOOR SALESPERSON ID CARD

Any person who solicits door-to-door sales to a residential home in the State of Delaware is now required to display a Salesperson Identification Card (ID card).

Pursuant to House Bill 49 of Delaware's 146th General Assembly, Salesperson ID Cards must be worn at all times when conducting door-to-door sales in Delaware. In addition, door-to-door sales in Delaware may only occur between the hours of 9 a.m. and 8 p.m. EST.

Delaware residents are encouraged to call their local police departments if they see anyone in their neighborhoods conducting door-to-door sales without wearing the registered Salesperson ID Card, or if they are visited by someone who isn't wearing a registered Salesperson ID Card.

Failure by a business to comply with H.B. 49 by conducting door-to-door sales without wearing the registered Salesperson ID Card could result in criminal prosecution, as well as fines of up to \$150 for the first offense and \$250 for each subsequent offense. Anyone wearing a forged ID Card that has not been issued by the State of Delaware, or

falsely obtained for deceitful or malicious intent, also faces criminal prosecution and fines of up to \$150 for the first offense and \$250 for each subsequent offense.

Click here to go to the Department of Finance Website: <http://revenue.delaware.gov/d2d.shtml> for additional information or to verify a Salesperson ID Card.