

By: Raney

H.B. No. 3852

Substitute the following for H.B. No. 3852:

By: Turner of Tarrant

C.S.H.B. No. 3852

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a study by the attorney general of the online resale of
3 consumer goods obtained illegally and the online sale or
4 distribution of counterfeit goods.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Internet website" includes an online
8 marketplace.

9 (2) "Online marketplace" means an electronically
10 based or accessed platform that:

11 (A) includes features that allow for,
12 facilitate, or enable third-party sellers to engage in the sale,
13 purchase, storage, shipping, or delivery of or processing payments
14 for consumer goods in the United States; and

15 (B) hosts one or more third-party sellers.

16 (3) "Seller" means a person who sells, offers to sell,
17 or contracts to sell consumer goods in the United States through an
18 online marketplace.

19 (4) "Third-party seller" means a seller that is
20 independent of a facilitator, owner, or operator of an online
21 marketplace through which the seller sells consumer goods.

22 SECTION 2. STUDY. (a) The attorney general shall conduct a
23 study regarding the online resale of retail merchandise and other
24 consumer goods obtained illegally in this state and the online sale

1 or distribution of counterfeit goods.

2 (b) In conducting the study, the attorney general shall:

3 (1) gather data on the incidence of persons who
4 illegally obtain retail merchandise and other consumer goods in
5 this state and resell the merchandise or other consumer goods
6 through the use of an Internet website;

7 (2) evaluate and review existing cases of:

8 (A) the purchase, sale, or distribution through
9 the use of an Internet website of illegally obtained consumer goods
10 in this state, including illegally obtained merchandise from a
11 retail establishment in this state; and

12 (B) the sale or distribution of counterfeit goods
13 through the use of an Internet website;

14 (3) get files and other information on any
15 investigations of persons involved in illegal activity described by
16 Subdivision (1) or (2) of this section from local prosecuting
17 attorneys and local law enforcement agencies;

18 (4) analyze and evaluate trends in illegal activity in
19 and potential methods for mitigating:

20 (A) the purchase, sale, or distribution through
21 the use of an Internet website of illegally obtained property from a
22 retail establishment in this state; and

23 (B) the sale or distribution of counterfeit goods
24 through the use of an Internet website;

25 (5) gather data on the extent to which a third-party
26 seller selling or offering to sell consumer goods online to
27 residents of this state has made the seller's name, business

1 address, and working contact information available to the public;
2 and

3 (6) determine the frequency with which an online
4 marketplace verifies any identifying information provided by
5 third-party sellers selling or offering to sell consumer goods to
6 residents of this state.

7 (c) Local prosecuting attorneys and local law enforcement
8 agencies, on request of the attorney general, shall provide data
9 for purposes of the study.

10 (d) The attorney general shall solicit and accept input from
11 the public in conducting the study.

12 (e) The attorney general may collaborate with the
13 appropriate standing committees of the house of representatives and
14 the senate in conducting the study.

15 SECTION 3. REPORT. Not later than August 31, 2022, the
16 attorney general shall submit to the governor, the lieutenant
17 governor, the speaker of the house of representatives, and the
18 legislature a written report on the study required under this Act
19 that includes any legislative recommendations based on the study.

20 SECTION 4. EXPIRATION. This Act expires September 30,
21 2022.

22 SECTION 5. EFFECTIVE DATE. This Act takes effect
23 immediately if it receives a vote of two-thirds of all the members
24 elected to each house, as provided by Section 39, Article III, Texas
25 Constitution. If this Act does not receive the vote necessary for
26 immediate effect, this Act takes effect September 1, 2021.