

By: Huffman

S.B. No. 1214

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of certain actions by district and  
3 county attorneys under the Deceptive Trade Practices-Consumer  
4 Protection Act.

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

6 SECTION 1. Sections 17.48(c) and (d), Business & Commerce  
7 Code, are amended to read as follows:

8 (c) In an action prosecuted by a district or county attorney  
9 under this subchapter for a violation of Section 17.46(b)(28) or  
10 (33), three-fourths of any civil penalty awarded by a court must be  
11 paid to the county where the court is located.

12 (d) A district or county attorney is not required to obtain  
13 the permission of the consumer protection division to prosecute an  
14 action under this subchapter for a violation of Section  
15 17.46(b)(28) or (33), if the district or county attorney provides  
16 prior written notice to the division as required by Subsection (b).

17 SECTION 2. Sections 17.48(c) and (d), Business & Commerce  
18 Code, as amended by this Act, apply only to an action that accrues  
19 on or after the effective date of this Act. An action that accrued  
20 before the effective date of this Act is governed by the law in  
21 effect immediately before the effective date of this Act, and the  
22 former law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2021.