

By: Spiller

H.B. No. 5232

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to civil penalties imposed for violations of the Texas  
3 Free Enterprise and Antitrust Act of 1983.

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

5 SECTION 1. Section 15.20(a), Business & Commerce Code, is  
6 amended to read as follows:

7 (a) Suit to Collect Civil Fine. The attorney general may  
8 file suit in district court in Travis County or in any county in the  
9 State of Texas in which any of the named defendants resides, does  
10 business, or maintains its principal office on behalf of the State  
11 of Texas to collect a civil fine from any person, other than a  
12 municipal corporation, whom the attorney general believes has  
13 violated any of the prohibitions in Subsection (a), (b), or (c) of  
14 Section 15.05 of this Act. An individual or other ~~Every~~ person  
15 adjudged to have violated any of these prohibitions shall pay a fine  
16 to the state in an amount not to exceed:

17 (1) if an individual, \$300,000; or

18 (2) if any other person:

19 (A) \$3 million, if the lesser of the person's  
20 assets or market capitalization is less than \$100 million;

21 (B) \$20 million, if the lesser of the person's  
22 assets or market capitalization is at least \$100 million but less  
23 than \$500 million; or

24 (C) 10 percent of the person's assets or market

1 capitalization, as applicable, if the lesser of the person's assets  
2 or market capitalization is \$500 million or more [~~\$1 million if a~~  
3 ~~corporation, or, if any other person, \$100,000~~].

4 SECTION 2. Section 15.20(a), Business & Commerce Code, as  
5 amended by this Act, applies only to a suit filed on or after the  
6 effective date of this Act. A suit filed before the effective date  
7 of this Act is governed by the law in effect on the date the suit was  
8 filed, and the former law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2023.