

By: Wilson

H.B. No. 4899

A BILL TO BE ENTITLED

AN ACT

relating to private rights of action arising from certain solicitation-related communications.

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

SECTION 1. Section 302.001(7), Business & Commerce Code, is amended to read as follows:

(7) "Telephone solicitation" means a ~~[telephone]~~ call or other transmission, including a transmission of a text or graphic message or of an image, initiated by a seller or salesperson ~~[initiates]~~ to induce a person to purchase, rent, claim, or receive an item. The term includes a telephone call a purchaser makes in response to a solicitation sent by mail or made by any other means.

SECTION 2. Section 302.003, Business & Commerce Code, is amended to read as follows:

Sec. 302.003. LIBERAL CONSTRUCTION AND APPLICATION. (a) This chapter shall be liberally construed and applied to promote its underlying purpose to protect persons and the public against false, misleading, or deceptive practices in the telephone solicitation business.

(b) The fact that a claimant has recovered under a private action arising from a violation of this chapter more than once may not limit recovery in a future legal proceeding in any manner.

SECTION 3. Section 304.005, Business & Commerce Code, is amended to read as follows:

1 Sec. 304.005. LIBERAL CONSTRUCTION AND APPLICATION. (a)
2 This chapter shall be liberally construed and applied to promote
3 its underlying purpose to protect persons and the public against
4 false, misleading, abusive, or deceptive practices in the
5 telemarketing business.

6 (b) The fact that a claimant has recovered under a private
7 action arising from a violation of this chapter more than once may
8 not limit recovery in a future legal proceeding in any manner.

9 SECTION 4. Subchapter F, Chapter 304, Business & Commerce
10 Code, is amended by adding Section 304.2581 to read as follows:

11 Sec. 304.2581. DECEPTIVE TRADE PRACTICES. (a) A violation
12 of this chapter is a false, misleading, or deceptive act or practice
13 under Subchapter E, Chapter 17.

14 (b) A public or private right or remedy prescribed by
15 Subchapter E, Chapter 17, may be used to enforce this chapter.

16 SECTION 5. Subchapter B, Chapter 305, Business & Commerce
17 Code, is amended by adding Sections 305.054 and 305.055 to read as
18 follows:

19 Sec. 305.054. DECEPTIVE TRADE PRACTICES. (a) A violation
20 of this chapter is a false, misleading, or deceptive act or practice
21 under Subchapter E, Chapter 17.

22 (b) A public or private right or remedy prescribed by
23 Subchapter E, Chapter 17, may be used to enforce this chapter.

24 Sec. 305.055. CLAIMANT RECOVERY FOR VIOLATION. The fact
25 that a claimant has recovered under a private action arising from a
26 violation of this chapter more than once may not limit recovery in a
27 future legal proceeding in any manner.

1 SECTION 6. The changes in law made by this Act apply only to
2 conduct that occurs on or after the effective date of this Act.

3 SECTION 7. This Act takes effect September 1, 2025.