

1-1 By: Madla S.B. No. 853
1-2 (In the Senate - Filed March 4, 2003; March 10, 2003, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 7, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 7, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 853 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the disclosure of certain information by persons
1-11 offering to aid homeowners in obtaining property tax refunds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 41.0051, Property Code,
1-14 is amended to read as follows:

1-15 Sec. 41.0051. DISCLAIMER AND DISCLOSURE REQUIRED.

1-16 SECTION 2. Section 41.0051, Property Code, is amended by
1-17 amending Subsection (b) and adding Subsection (c) to read as
1-18 follows:

1-19 (b) A person who solicits solely by mail or by telephone a
1-20 homeowner to pay a fee for the service of applying for a property
1-21 tax refund from a tax appraisal district or other governmental body
1-22 on behalf of the homeowner shall, before accepting money from the
1-23 homeowner or signing a contract with the homeowner for the person's
1-24 services, disclose to the homeowner the name of the tax appraisal
1-25 district or other governmental body that owes the homeowner a
1-26 refund.

1-27 (c) A person's failure to provide a disclaimer on an
1-28 advertisement as required by Subsection (a) or to provide the
1-29 disclosure required by Subsection (b) is considered a false,
1-30 misleading, or deceptive act or practice for purposes of Section
1-31 17.46(a), Business & Commerce Code, and is subject to action by the
1-32 consumer protection division of the attorney general's office as
1-33 provided by Section 17.46(a), Business & Commerce Code.

1-34 SECTION 3. This Act takes effect September 1, 2003.

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