

Amend SB 122 as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.395 to read as follows:

Sec. 35.395. DELIVERY OF A CHECK FORM. (a) In this section:

(1) "Addressee" means a person to whom a check form is sent.

(2) "Check form" means a device for the transmission or payment of money that:

(A) is not a negotiable instrument under Section 3.104;

(B) if completed would be a check as that term is described by Section 3.104; and

(C) is printed with information relating to the financial institution on which the completed check may be drawn.

(3) "Courier" means a business, other than the United States Postal Service, that delivers parcels for a fee.

(b) A person who prints a check form must provide an addressee the option of selecting a courier for delivery of a check form and must notify the addressee of this option. If an addressee selects a courier for delivery of a check form, the signature of the addressee or the addressee's representative must be obtained on delivery, unless the addressee specifically notifies the person who prints the check form, or the person's agent, that the signature of the addressee or the addressee's representative is not required for delivery. The notification may be made in writing on the check form order, by electronic selection if the check forms are ordered using the Internet, by electronic mail to an address provided to the addressee by the person who prints the check form or the person's agent, by recorded oral notice, or by another method reasonably calculated to effectively communicate the addressee's intent.

(c) A person who prints a check form shall notify the courier of the check form if the signature of the addressee or the addressee's representative is required for delivery under Subsection (b).

(d) A person who violates Subsection (b) or (c) is subject to a civil penalty of \$1,000 for each violation.

(e) A courier who is notified under Subsection (c) that a signature is required for delivery may not deliver the check form before obtaining the signature of the addressee or a representative of the addressee. A courier who violates this subsection is subject to a civil penalty of \$1,000 for each violation.

(f) The attorney general may bring suit to recover a civil penalty imposed under this section. The attorney general may recover reasonable expenses incurred in obtaining a civil penalty under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

(g) This section applies only to an addressee located in the delivery area of a courier. This section does not require a courier to deliver a check form to an addressee who is not located in the delivery area of the courier.

(b) The changes in law made by Section 35.395, Business & Commerce Code, as added by this section, do not apply to the delivery of check forms if the addressee uses a check form order form that does not include an option to select a signature requirement and submits the order form before June 1, 2006.

(c) This section takes effect January 1, 2006.

(2) In SECTION 3 of the bill (House committee printing, page 11, line 3), strike "This" and substitute "Except as otherwise provided by this Act, this".