

By: Hochberg

H.B. No. 511

A BILL TO BE ENTITLED

AN ACT

relating to the processing of consumer rebates.

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

SECTION 1. Subchapter D, Chapter 35, Business and Commerce Code, is amended by adding Section 35.43 to read as follows:

Sec. 35.43 CONSUMER REBATE RESPONSE AND GRACE PERIOD FOR CORRECTIONS (a) A company that offers a rebate of \$10 or more, other than a rebate that is redeemed at the time of purchase, shall mail the rebate to the consumer or electronically pay the consumer within 60 days of the company's receipt of a properly completed rebate request.

(b) If a company receives an incomplete rebate request the company shall either:

(1) process the rebate in compliance with subsection (a); or

(2) notify the consumer of any errors or missing paperwork, and allow an additional 30 days for the consumer to correct and resubmit the rebate request without penalty.

(c) DECEPTIVE TRADE PRACTICE. A violation of this section is a deceptive trade practice in addition to the practices described under Subchapter E, Chapter 17 and is actionable under that subchapter.

SECTION 2. This Act takes effect September 1, 2005.