

By: Solomons, Leibowitz, et al.

H.B. No. 853

A BILL TO BE ENTITLED

AN ACT

relating to the return of merchandise; providing a civil penalty.

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

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.581 to read as follows:

Sec. 35.581. COLLECTION OF IDENTIFYING INFORMATION FOR RETURN OF MERCHANDISE. (a) A merchant who requires a consumer returning an item of merchandise to provide the consumer's driver's license or social security number may use the number or numbers provided by the consumer for identification purposes only.

(b) A merchant may not disclose a consumer's driver's license or social security number to a person who will use the information in a manner that results in the compilation or tracking of information regarding merchandise returned by consumers, including the frequency with which a particular consumer returns merchandise.

(c) A person who violates this section is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring suit to recover the civil penalty imposed under this section.

(d) The attorney general may bring an action in the name of the state to restrain or enjoin a person from violating this section.

1 SECTION 2. Section 35.581, Business & Commerce Code, as
2 added by this Act, applies only to an item of merchandise that is
3 returned on or after the effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2005.