

By: Bohac

H.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of information regarding debt incurred for necessary medical treatment.

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

SECTION 1. The heading to Chapter 20, Business & Commerce Code, is amended to read as follows:

CHAPTER 20. REGULATION OF CONSUMER CREDIT REPORTING [~~AGENCIES~~]

SECTION 2. Chapter 20, Business & Commerce Code, is amended by adding Section 20.055 to read as follows:

Sec. 20.055. REPORTING OF INFORMATION RELATED TO DEBT RESULTING FROM NECESSARY MEDICAL TREATMENT. (a) In this section, "necessary medical treatment" means medical treatment for a life-threatening condition, without which the likelihood of death is probable.

(b) A person who provides medical treatment or a debt collection agency may not furnish information to a consumer reporting agency regarding an amount owed by a consumer for the receipt of necessary medical treatment by the consumer or a person to whom the consumer has a legal obligation to provide support.

(c) A person who provides medical treatment who violates this section or a debt collection agency that violates this section is liable to the consumer against whom the violation occurs for:

(1) the greater of:

(A) three times the amount of actual damages to

1 the consumer; or

2 (B) \$1,000;

3 (2) reasonable attorney fees; and

4 (3) court costs.

5 SECTION 3. The change in law made by Section 20.055,
6 Business & Commerce Code, as added by this Act, applies only to
7 information furnished to a consumer reporting agency on or after
8 the effective date of this Act. The furnishing of information to a
9 consumer reporting agency before the effective date of this Act is
10 governed by the law in effect when the information was furnished,
11 and the former law is continued in effect for that purpose.

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