

By: Hinojosa

S.B. No. 442

A BILL TO BE ENTITLED

AN ACT

relating to certain claims and civil actions against sales agents.

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

SECTION 1. Subchapter D, Chapter 466, Government Code, is amended by adding Section 466.161 to read as follows:

Sec. 466.161. CERTAIN CLAIMS AND CIVIL ACTIONS AGAINST SALES AGENTS. (a) A person may bring before the commission a claim against a sales agent based on or related to the fairness, conduct, or management of a lottery game authorized by this chapter and is entitled to receive a determination from the commission on the claim. A proceeding to consider a claim under this section is not a contested case under Chapter 2001.

(b) The commission shall conduct a proceeding to consider a claim brought under Subsection (a) to acquaint the parties to the claim with the applicable law and provide the parties with an opportunity to settle the claim. Unless the person presenting the claim withdraws the claim, the commission shall issue a written determination on the claim not later than the 60th day after the date the proceeding is concluded. The commission shall adopt the rules and procedures necessary to implement this section, which may incorporate alternative dispute resolution procedures as appropriate.

(c) A person may not file a civil action seeking the recovery of damages or injunctive relief from a sales agent for an

1 action based on or related to the fairness, conduct, or management
2 of a lottery game authorized by this chapter unless the person has
3 first presented the claim to the commission under Subsection (a)
4 and received a written determination on the claim from the
5 commission.

6 (d) Venue for a civil action brought as provided by
7 Subsection (c) is in Travis County, Texas.

8 (e) The time used by a person to bring a claim before the
9 commission tolls the statute of limitations for a civil action on
10 the claim until the date the commission issues a written
11 determination under this section.

12 SECTION 2. Section 466.161, Government Code, as added by
13 this Act, applies only to a civil action filed on or after the
14 effective date of this Act. A civil action filed before the
15 effective date of this Act is governed by the law in effect
16 immediately before the effective date of this Act, and that law is
17 continued in effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.