

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 10, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1855 by Giddings (Relating to the deletion of certain electronic records concerning a customer who issues a check; providing a civil penalty.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would require a business to delete any electronic record, except for the checking account number or bank routing transit number, indicating a customer has issued a dishonored check within 30 days if (1) the business and the customer agree that the information is incorrect; and (2) the customer presents a police report and a written notice from the customer stating the dishonored check was unauthorized. A business who fails to delete the record is liable to the state for a civil penalty of up to \$1,000 for each day the failure continues.

The Attorney General is given authority to sue to collect the civil penalty and recover reasonable expenses including court costs, attorney fees, investigative costs, witness fees and deposition expenses.

This Act takes effect on September 1, 2005.

The proposed legislation could result in new complaints, investigations or cases by the OAG, however it is projected that this increase could be absorbed by current resources within the OAG.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, SD, JRO, MS