

By: Elkins

H.B. No. 1236

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of a surcharge for use of a credit card
3 for certain purchases.

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

5 SECTION 1. Section 339.001, Finance Code, is amended by
6 amending Subsection (a) and adding Subsection (d) to read as
7 follows:

8 (a) In a sale of goods or services, a seller may not impose a
9 surcharge on a buyer who uses a credit card for an extension of
10 credit instead of cash, a check, or a similar means of payment
11 unless:

12 (1) before the sale the seller has disclosed the
13 surcharge to the buyer;

14 (2) the amount of the sale, before including the
15 surcharge, does not exceed \$10; and

16 (3) the surcharge does not exceed \$1.

17 (d) A surcharge for an in-person transaction may be
18 disclosed, as required by Subsection (a), by posting a notice of the
19 surcharge in a conspicuous location.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.