

By: Kuempel

H.B. No. 2623

A BILL TO BE ENTITLED

AN ACT

relating to the cancellation of a dating service contract within a certain period after execution of the contract.

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 35.64 to read as follows:

Sec. 35.64. CANCELLATION OF DATING SERVICE CONTRACT. (a)

In this section, "dating service" means a service to arrange or facilitate the social introduction of two or more persons for the purpose of promoting the meeting of compatible individuals.

(b) A person may cancel a contract for dating service and receive a full refund of the payments made under the contract by sending, not later than midnight of the third business day after the contract date, written notice of cancellation, accompanied by proof of payment made under the contract, by certified mail to the dating service provider's home office. A dating service provider who receives notice under this subsection shall refund the payments made under the contract not later than the 30th day after the date notice is received.

(c) A contract for dating services must state in at least 10-point type that is boldfaced, capitalized, underlined, or otherwise conspicuously distinguished from surrounding written material:

(1) "NOTICE TO PURCHASER: DO NOT SIGN THIS CONTRACT

1 UNTIL YOU READ IT OR IF IT CONTAINS BLANK SPACES."

2 (2) "IF YOU DECIDE YOU DO NOT WISH TO OBTAIN THIS
3 DATING SERVICE, YOU MAY CANCEL THIS CONTRACT BY MAILING TO THE
4 DATING SERVICE PROVIDER BY MIDNIGHT OF THE THIRD BUSINESS DAY AFTER
5 THE DAY YOU SIGN THIS CONTRACT A NOTICE STATING YOUR DESIRE TO
6 CANCEL THIS CONTRACT. THE WRITTEN NOTICE MUST BE MAILED BY
7 CERTIFIED MAIL TO THE FOLLOWING ADDRESS:

8 (Address of the dating service provider office)."

9 (d) A person may file suit against a dating service provider
10 if:

11 (1) the dating service provider violates this section;

12 and

13 (2) the dating service provider's violation causes
14 injury to the person.

15 (e) Venue for a suit filed under Subsection (d) is in a court
16 located in:

17 (1) Travis County; or

18 (2) the county in which:

19 (A) the dating service provider resides;

20 (B) the dating service provider's principal
21 place of business is located;

22 (C) the dating service provider is doing
23 business;

24 (D) the person filing suit resides; or

25 (E) the transaction that is the subject of the
26 suit occurred.

27 (f) In a suit filed under Subsection (d), a court may award

1 to the prevailing party:

2 (1) actual damages;

3 (2) equitable relief;

4 (3) punitive damages; or

5 (4) reasonable attorney's fees and court costs.

6 SECTION 2. Section 35.64, Business & Commerce Code, as
7 added by this Act, applies only to a contract executed on or after
8 September 1, 2007. A contract executed before that date is governed
9 by the law in effect when the contract was executed, and the former
10 law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2007.