

By: Thompson

H.B. No. 1572

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of statutory damages against a debt  
3 collector or third-party debt collector for improper debt  
4 collection activities.

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

6 SECTION 1. Sections 392.403(a) and (e), Finance Code, are  
7 amended to read as follows:

8 (a) A person may sue for:

9 (1) injunctive relief to prevent or restrain a  
10 violation of this chapter; ~~and~~

11 (2) actual damages sustained as a result of a  
12 violation of this chapter; and

13 (3) statutory damages as described by Subsection (e).

14 (e) A debt collector or third-party debt collector who  
15 violates this chapter with respect to a person is liable to that  
16 person in an amount equal to ~~[A person who successfully maintains an~~  
17 ~~action under this section for violation of Section 392.101,~~  
18 ~~392.202, or 392.301(a)(3) is entitled to not less than]~~ \$100 for  
19 each violation ~~[of this chapter].~~

20 SECTION 2. The changes in law made by this Act apply only to  
21 a cause of action that accrues on or after the effective date of  
22 this Act. A cause of action that accrues before the effective date  
23 of this Act is governed by the law as it existed immediately before  
24 the effective date of this Act, and the former law is continued in

1 effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.