By: Giddings   H.B. No. 2128

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the enforcement of regulations regarding the sale of

3 plastic bulk merchandise containers.

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

5   SECTION 1. Section 35.63, Business & Commerce Code, as

6 added by Chapter 307, Acts of the 80th Legislature, Regular

7 Session, 2007, is amended by amending Subsection (f) and adding

8 Subsection (g) to read as follows:

9   (f) The attorney general or appropriate prosecuting

10 attorney may:

11   (1) investigate an alleged violation of this section;

12 and

13   (2) sue to collect a civil penalty under this section.

14   (g) The attorney general or appropriate prosecuting

15 attorney may recover reasonable expenses, including court costs,

16 attorney's fees, investigative costs, witness fees, and deposition

17 expenses, incurred in recovering a civil penalty under this

18 section.

19   SECTION 2. Section 204.004, Business & Commerce Code, as

20 effective September 1, 2009, is amended to read as follows:

21   Sec. 204.004. INVESTIGATIVE AND ENFORCEMENT AUTHORITY [OF

22 CIVIL PENALTY]. (a) The attorney general or appropriate

23 prosecuting attorney may:

24   (1) investigate an alleged violation of this chapter;

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1 and

2   (2) sue to collect a civil penalty under this chapter.

3   (b) The attorney general or appropriate prosecuting

4 attorney may recover reasonable expenses, including court costs,

5 attorney's fees, investigative costs, witness fees, and deposition

6 expenses, incurred in recovering a civil penalty under this

7 section.

8   SECTION 3. (a) Section 1 of this Act takes effect only if

9 the Act of the 81st Legislature, Regular Session, 2009, relating to

10 nonsubstantive additions to and corrections in existing codes does

11 not become law. If the Act of the 81st Legislature, Regular

12 Session, 2009, relating to nonsubstantive additions to and

13 corrections in existing codes becomes law, Section 1 of this Act has

14 no effect.

15   (b) Section 2 of this Act takes effect only if the Act of the

16 81st Legislature, Regular Session, 2009, relating to

17 nonsubstantive additions to and corrections in existing codes

18 becomes law. If the Act of the 81st Legislature, Regular Session,

19 2009, relating to nonsubstantive additions to and corrections in

20 existing codes does not become law, Section 2 of this Act has no

21 effect.

22   SECTION 4. This Act takes effect September 1, 2009.