

By: Miklos

H.B. No. 3252

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a lender in relation to certain high-cost home loans.

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

SECTION 1. Subchapter C, Chapter 343, Finance Code, is amended by adding Section 343.207 to read as follows:

Sec. 343.207. LIABILITY OF LENDER FOR VIOLATION OF SUBCHAPTER. A lender who violates this subchapter is liable to a borrower for:

(1) actual damages arising from the violation;

(2) injunctive relief in relation to the violation;

and

(3) reasonable attorney's fees incurred by the borrower in seeking the damages, injunctive relief, or both.

SECTION 2. This Act applies:

(1) only to a violation of Subchapter C, Chapter 343, Finance Code, as amended by this Act, that occurs on or after the effective date of this Act; and

(2) without regard to whether the loan to which the violation relates was made before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2010.