

1-1 By: Carona S.B. No. 716  
1-2 (In the Senate - Filed February 6, 2009; February 25, 2009,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 April 8, 2009, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; April 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to late fees under a residential lease.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (a), Section 92.019, Property Code,  
1-11 is amended to read as follows:

1-12 (a) A landlord may not charge a tenant a late fee for failing  
1-13 to pay rent unless:

1-14 (1) notice of the fee is included in a written lease;

1-15 (2) the fee is a reasonable estimate of uncertain  
1-16 damages to the landlord that are incapable of precise calculation  
1-17 and result from late payment of rent; and

1-18 (3) the rent has remained ~~[remains]~~ unpaid one full  
1-19 ~~[after the second]~~ day after the date the rent was originally due.

1-20 SECTION 2. This Act takes effect immediately if it receives  
1-21 a vote of two-thirds of all the members elected to each house, as  
1-22 provided by Section 39, Article III, Texas Constitution. If this  
1-23 Act does not receive the vote necessary for immediate effect, this  
1-24 Act takes effect September 1, 2009.

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