

1 AN ACT

2 relating to debit card or stored value card surcharges.

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

4 SECTION 1. Chapter 59, Finance Code, is amended by adding
5 Subchapter E to read as follows:

6 SUBCHAPTER E. PROHIBITION OF SURCHARGE

7 Sec. 59.401. DEFINITIONS. In this subchapter:

8 (1) "Cardholder" means the person named on the face of
9 a debit or stored value card to whom or for whose benefit the card is
10 issued.

11 (2) "Debit card" has the meaning in Section 502.001,
12 Business & Commerce Code.

13 (3) "Merchant" means a person in the business of
14 selling or leasing goods or services.

15 (4) "Stored value card" has the meaning as defined in
16 Section 604.001(1), Business & Commerce Code, but does not include
17 the meaning as defined in Section 604.001(2), Business & Commerce
18 Code.

19 Sec. 59.402. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR
20 STORED VALUE CARD. (a) In a sale of goods or services, a merchant
21 may not impose a surcharge on a buyer who uses a debit or stored
22 value card instead of cash, a check, credit card, or a similar means
23 of payment.

24 (b) This section does not apply to a state agency, county,

1 local governmental entity, or other governmental entity that
2 accepts a debit or stored value card for the payment of fees, taxes,
3 or other charges.

4 SECTION 2. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 3068 was passed by the House on April 26, 2013, by the following vote: Yeas 126, Nays 12, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3068 on May 22, 2013, by the following vote: Yeas 144, Nays 3, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3068 was passed by the Senate, with amendments, on May 17, 2013, by the following vote: Yeas 25, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor