

1-1 By: Menendez (Senate Sponsor - Carona) H.B. No. 3068
 1-2 (In the Senate - Received from the House April 29, 2013;
 1-3 May 7, 2013, read first time and referred to Committee on Business
 1-4 and Commerce; May 15, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-6 May 15, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3068 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to debit card or stored value card surcharges.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Chapter 59, Finance Code, is amended by adding
 1-24 Subchapter E to read as follows:

1-25 SUBCHAPTER E. PROHIBITION OF SURCHARGE
 1-26 Sec. 59.401. DEFINITIONS. In this subchapter:
 1-27 (1) "Cardholder" means the person named on the face of
 1-28 a debit or stored value card to whom or for whose benefit the card is
 1-29 issued.

1-30 (2) "Debit card" has the meaning in Section 502.001,
 1-31 Business & Commerce Code.

1-32 (3) "Merchant" means a person in the business of
 1-33 selling or leasing goods or services.

1-34 (4) "Stored value card" has the meaning as defined in
 1-35 Section 604.001(1), Business & Commerce Code, but does not include
 1-36 the meaning as defined in Section 604.001(2), Business & Commerce
 1-37 Code.

1-38 Sec. 59.402. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR
 1-39 STORED VALUE CARD. (a) In a sale of goods or services, a merchant
 1-40 may not impose a surcharge on a buyer who uses a debit or stored
 1-41 value card instead of cash, a check, credit card, or a similar means
 1-42 of payment.

1-43 (b) This section does not apply to a state agency, county,
 1-44 local governmental entity, or other governmental entity that
 1-45 accepts a debit or stored value card for the payment of fees, taxes,
 1-46 or other charges.

1-47 SECTION 2. This Act takes effect September 1, 2013.

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