

By: Carona

S.B. No. 289

A BILL TO BE ENTITLED

AN ACT

relating to the approval requirement for a rental-purchase agreement that includes a loss damage waiver provision.

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

SECTION 1. Section 92.153, Business & Commerce Code, is amended to read as follows:

Sec. 92.153. RESTRICTIONS ON MERCHANT CONCERNING WAIVER. A merchant may not:

(1) sell a loss damage waiver unless:

(A) ~~[the department has approved the form of]~~ the contract containing the waiver complies with this chapter; and

(B) the consumer agrees to the waiver in writing;

or

(2) impose or require the purchase of a loss damage waiver as a mandatory charge.

SECTION 2. Sections 92.001(2) and (4), 92.158, 92.159, and 92.160, Business & Commerce Code, are repealed.

SECTION 3. (a) An administrative proceeding pending on the effective date of this Act that is related to a complaint filed under Section 92.160, Business & Commerce Code, as that section existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed under Section 92.160, Business & Commerce Code, as that section existed

1 immediately before the effective date of this Act, and Chapter 51,  
2 Occupations Code, may be collected as provided by Chapter 51,  
3 Occupations Code.

4 (c) Not later than the 60th day after the effective date of  
5 this Act, the Texas Department of Licensing and Regulation shall  
6 return a prorated portion of the fee paid by a merchant to the  
7 department under Section 92.159(2), Business & Commerce Code, as  
8 that section existed immediately before the effective date of this  
9 Act.

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