

By: Hegar

S.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures and civil penalties under the Deceptive Trade Practices-Consumer Protection Act.

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

SECTION 1. Section 17.47(c), Business & Commerce Code, is amended to read as follows:

(c) In addition to the request for a temporary restraining order, or permanent injunction in a proceeding brought under Subsection (a) of this section, the consumer protection division may request, and the trier of fact may award, a civil penalty to be paid to the state. The amount of the penalty shall be ~~[in an amount of]~~:

(1) not more than \$10,000 per violation, not to exceed ten times the amount of actual damages, as determined by the trier of fact; or

(2) not more than \$20,000 per violation, as determined by the trier of fact if the trier of fact determines that the person intentionally committed the violation~~[, and~~

~~[(2) if the act or practice that is the subject of the proceeding was calculated to acquire or deprive money or other property from a consumer who was 65 years of age or older when the act or practice occurred, an additional amount of not more than \$250,000].~~

SECTION 2. The changes in law made by this Act apply only to

1 a violation of the Deceptive Trade Practices-Consumer Protection
2 Act that occurs on or after the effective date of this Act. A
3 violation of the Deceptive Trade Practices-Consumer Protection Act
4 that occurs before the effective date of this Act is governed by the
5 law in effect on the date the violation occurred, and the former law
6 is continued in effect for that purpose. For purposes of this
7 section, a violation occurs before the effective date of this Act if
8 any element of the violation occurs before that date.

9 SECTION 3. This Act takes effect September 1, 2013.