

1-1 By: Hegar S.B. No. 1166  
 1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 April 24, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 3; April 24, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Duncan	X			
1-9 Deuell	X			
1-10 Ellis		X		
1-11 Fraser	X			
1-12 Huffman	X			
1-13 Lucio		X		
1-14 Nichols	X			
1-15 Van de Putte		X		
1-16 Williams	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1166 By: Deuell

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

1-21 relating to civil penalties under the Deceptive Trade  
 1-22 Practices-Consumer Protection Act.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subsection (c), Section 17.47, Business &  
 1-25 Commerce Code, is amended to read as follows:

1-26 (c) In addition to the request for a temporary restraining  
 1-27 order, or permanent injunction in a proceeding brought under  
 1-28 Subsection (a) of this section, the consumer protection division  
 1-29 may request, and the trier of fact may award, a civil penalty to be  
 1-30 paid to the state. The amount of the civil penalty under this  
 1-31 subsection shall be determined by the trier of fact and may be [in  
 1-32 an amount of]:

1-33 (1) not more than:  
 1-34 (A) \$10,000 [~~\$20,000~~] per violation; or  
 1-35 (B) \$20,000 per violation, if the trier of fact  
 1-36 finds that the person intentionally committed the violation; and

1-37 (2) if the act or practice that is the subject of the  
 1-38 proceeding was calculated to acquire or deprive money or other  
 1-39 property from a consumer who was 65 years of age or older when the  
 1-40 act or practice occurred, an additional amount of not more than  
 1-41 \$250,000.

1-42 SECTION 2. The changes in law made by this Act apply only to  
 1-43 a violation of the Deceptive Trade Practices-Consumer Protection  
 1-44 Act that occurs on or after the effective date of this Act. A  
 1-45 violation of the Deceptive Trade Practices-Consumer Protection Act  
 1-46 that occurs before the effective date of this Act is governed by the  
 1-47 law in effect on the date the violation occurred, and the former law  
 1-48 is continued in effect for that purpose. For purposes of this  
 1-49 section, a violation occurs before the effective date of this Act if  
 1-50 any element of the violation occurs before that date.

1-51 SECTION 3. This Act takes effect September 1, 2013.

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