

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Menendez

H.B. No. 3068

A BILL TO BE ENTITLED

AN ACT

relating to debit card surcharges.

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

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

SUBCHAPTER E. PROHIBITION OF SURCHARGE

Sec. 59.401. DEFINITIONS. In this subchapter:

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

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

(3) "Goods" means tangible, readily portable items offered for sale.

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

(5) "Services" means work, labor, or service that is purchased, including services furnished in connection with the sale or repair of goods or with the rental of goods.

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

Sec. 59.402. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR

1 STORED VALUE CARD. (a) In a sale of goods or services, a merchant  
2 may not impose a surcharge on a buyer who uses a debit or stored  
3 value card instead of cash, a check, credit card, or a similar means  
4 of payment.

5 (b) This section does not apply to a state agency, county,  
6 local governmental entity, or other governmental entity that  
7 accepts a debit or stored value card for the payment of fees, taxes,  
8 or other charges.

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

# ADOPTED

MAY 17 2013

By: Curran

Aditya Sengupta  
Secretary of the Senate

H.B. No. 3068

Substitute the following for H.B. No. 3068:

By: Curran

C.S. H.B. No. 3068

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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  
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3 or other charges.

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 20, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3068** by Menéndez (Relating to debit card or stored value card surcharges.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SD, RB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 14, 2013**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3068** by Menéndez (Relating to debit card or stored value card surcharges.),  
**Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, RB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 9, 2013**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3068** by Menéndez (Relating to debit card surcharges.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, RB, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 1, 2013**

**TO:** Honorable Mike Villarreal, Chair, House Committee on Investments & Financial Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3068** by Menéndez (Relating to debit card surcharge.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, RB, TP