

By: Turner of Tarrant

H.B. No. 2239

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain unsolicited mail by credit access businesses; providing a civil penalty.

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

SECTION 1. Subchapter G, Chapter 393, Finance Code, is amended by adding Section 393.629 to read as follows:

Sec. 393.629. CERTAIN UNSOLICITED MAIL PROHIBITED. (a) A credit access business may not send unsolicited direct mail that simulates or resembles a check or other negotiable instrument.

(b) A person who violates this section is liable to the state for a civil penalty in an amount not to exceed \$100 for each violation. The attorney general or the appropriate prosecuting attorney in the county in which the violation occurs may bring an action to recover the civil penalty imposed under this section.

(c) Notwithstanding Section 393.501, a violation under this section is not a criminal offense.

(d) Notwithstanding Sections 393.502, 393.503, and 393.504, this section does not create a private right of action.

SECTION 2. This Act takes effect September 1, 2015.