

By: Raney

H.B. No. 3442

A BILL TO BE ENTITLED

AN ACT

relating to debit card or stored value card surcharges; providing a civil penalty.

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

SECTION 1. Section 59.401, Finance Code, is amended by adding Subdivision (5) to read as follows:

(5) "Surcharge" means any increase in the price charged for goods or services imposed on a customer who pays with a debit or stored value card that is not imposed on a customer who pays by other means.

SECTION 2. Subchapter E, Chapter 59, Finance Code, is amended by adding Section 59.403 to read as follows:

Sec. 59.403. CIVIL PENALTY. (a) A person who knowingly violates this subchapter is liable to the state for a civil penalty in an amount not to exceed \$1,000 for each violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring:

(1) a suit to recover the civil penalty imposed under this section; and

(2) an action in the name of the state to restrain or enjoin a person from violating this chapter.

(b) The attorney general or the prosecuting attorney in the county in which the violation occurs, as appropriate, is entitled to recover reasonable expenses incurred in obtaining injunctive

1 relief, civil penalties, or both, under this section, including
2 reasonable attorney's fees, court costs, and investigatory costs.

3 SECTION 3. The changes in law made by this Act apply only to
4 a sale of goods or services occurring on or after the effective date
5 of this Act. A sale of goods or services occurring before the
6 effective date of this Act is governed by the law in effect on the
7 date the sale occurred, and the former law is continued in effect
8 for that purpose.

9 SECTION 4. This Act takes effect September 1, 2015.