

By: Thompson of Harris, Wu, Workman

H.B. No. 3902

Substitute the following for H.B. No. 3902:

By: Collier

C.S.H.B. No. 3902

A BILL TO BE ENTITLED

AN ACT

relating to commencement and prosecution of certain actions by and to investigations conducted by district and county attorneys under the Deceptive Trade Practices-Consumer Protection Act.

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

SECTION 1. Subchapter E, Chapter 17, Business & Commerce Code, is amended by adding Section 17.463 to read as follows:

Sec. 17.463. PRODUCTION, SALE, DISTRIBUTION, OR PROMOTION OF CERTAIN SYNTHETIC SUBSTANCES. (a) This section applies only to an act described by Section 17.46(b)(31).

(b) Subject to Subsection (e) and except as otherwise provided by this section, an act to which this section applies is subject to action by a district or county attorney under Sections 17.47, 17.58, 17.60, and 17.61 to the same extent as the act is subject to action by the consumer protection division under those sections.

(c) If a district or county attorney, under the authority of this section, accepts assurance of voluntary compliance under Section 17.58, the district or county attorney must file the assurance of voluntary compliance in the district court in the county in which the alleged violator resides or does business.

(d) If a district or county attorney, under the authority of this section, executes and serves a civil investigative demand and files a petition described by Section 17.61(g), the petition must

1 be filed in the district court in the county where the parties
2 reside.

3 (e) A district or county attorney may act under this section
4 so long as the consumer protection division does not intend to act
5 with respect to that matter.

6 (f) Notwithstanding any other law, in an action brought by a
7 district or county attorney under this section, all settlements or
8 penalties collected by the district or county attorney shall be
9 divided between the state and the county in which the attorney
10 brought suit, with:

11 (1) 50 percent of the amount collected paid to the
12 comptroller for deposit to the credit of the basic civil legal
13 services account established by Section 51.943, Government Code;
14 and

15 (2) 50 percent of the amount collected paid to the
16 county.

17 SECTION 2. Subchapter E, Chapter 17, Business & Commerce
18 Code, is amended by adding Section 17.463 to read as follows:

19 Sec. 17.463. PRODUCTION, SALE, DISTRIBUTION, OR PROMOTION
20 OF CERTAIN SYNTHETIC SUBSTANCES. (a) This section applies only to
21 an act described by Section 17.46(b)(30).

22 (b) Subject to Subsection (e) and except as otherwise
23 provided by this section, an act to which this section applies is
24 subject to action by a district or county attorney under Sections
25 17.47, 17.58, 17.60, and 17.61 to the same extent as the act is
26 subject to action by the consumer protection division under those
27 sections.

1 (c) If a district or county attorney, under the authority of
2 this section, accepts assurance of voluntary compliance under
3 Section 17.58, the district or county attorney must file the
4 assurance of voluntary compliance in the district court in the
5 county in which the alleged violator resides or does business.

6 (d) If a district or county attorney, under the authority of
7 this section, executes and serves a civil investigative demand and
8 files a petition described by Section 17.61(g), the petition must
9 be filed in the district court in the county where the parties
10 reside.

11 (e) A district or county attorney may act under this section
12 so long as the consumer protection division does not intend to act
13 with respect to that matter.

14 (f) Notwithstanding any other law, in an action brought by a
15 district or county attorney under this section, all settlements or
16 penalties collected by the district or county attorney shall be
17 divided between the state and the county in which the attorney
18 brought suit, with:

19 (1) 50 percent of the amount collected paid to the
20 comptroller for deposit to the credit of the basic civil legal
21 services account established by Section 51.943, Government Code;
22 and

23 (2) 50 percent of the amount collected paid to the
24 county.

25 SECTION 3. This Act applies only to conduct that occurs on
26 or after the effective date of this Act.

27 SECTION 4. (a) Section 1 of this Act takes effect only if

1 the Act of the 85th Legislature, Regular Session, 2017, relating to
2 nonsubstantive additions to and corrections in enacted codes
3 becomes law.

4 (b) Section 2 of this Act takes effect only if the Act of the
5 85th Legislature, Regular Session, 2017, relating to
6 nonsubstantive additions to and corrections in enacted codes does
7 not become law.

8 SECTION 5. This Act takes effect September 1, 2017.