

By: Thompson of Harris

H.B. No. 3902

A BILL TO BE ENTITLED

AN ACT

1
2 relating to commencement and prosecution of certain actions by and
3 to investigations conducted by district and county attorneys under
4 the Deceptive Trade Practices-Consumer Protection Act.

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

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

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

11 (b) Subject to Subsection (e) and except as otherwise
12 provided by this section, an act to which this section applies is
13 subject to action by a district or county attorney under Sections
14 17.47, 17.58, 17.60, and 17.61 to the same extent as the act is
15 subject to action by the consumer protection division under those
16 sections.

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

22 (d) If a district or county attorney, under the authority of
23 this section, executes and serves a civil investigative demand and
24 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 state for deposit in the general revenue fund; and

13 (2) 50 percent of the amount collected paid to the
14 county.

15 SECTION 2. This Act applies only to conduct that occurs on
16 or after the effective date of this Act.

17 SECTION 3. This Act takes effect September 1, 2017.