

By: Herrero

H.B. No. 4125

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to clarifying the liability of certain financial  
3 institutions that offer remote deposit capture.

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

5 SECTION 1. Subchapter A, Chapter 59, Finance Code, is  
6 amended by adding Section 59.013 to read as follows:

7 Sec. 59.013. LIABILITY FOR REMOTE DEPOSIT CAPTURE. (a) In  
8 this section "remote deposit capture" means a method that allows a  
9 bank to accept a deposit using an electronic image instead of the  
10 original physical check.

11 (b) A bank that offers remote deposit capture is liable for  
12 any loss suffered by another person that results from the use of the  
13 bank's remote deposit capture.

14 SECTION 2. Subchapter A, Chapter 89, Finance Code, is  
15 amended by adding Section 89.009 to read as follows:

16 Sec. 89.009. LIABILITY FOR REMOTE DEPOSIT CAPTURE. (a) In  
17 this section "remote deposit capture" means a method that allows an  
18 association to accept a deposit using an electronic image instead  
19 of the original physical check.

20 (b) An association that offers remote deposit capture is  
21 liable for any loss suffered by another person that results from the  
22 use of the association's remote deposit capture.

23 SECTION 3. Subchapter A, Chapter 119, Finance Code, is  
24 amended by adding Section 119.009 to read as follows:

1       Sec. 119.009. LIABILITY FOR REMOTE DEPOSIT CAPTURE. (a) In  
2 this section "remote deposit capture" means a method that allows a  
3 savings bank to accept a deposit using an electronic image instead  
4 of the original physical check.

5       (b) A savings bank that offers remote deposit capture is  
6 liable for any loss suffered by another person that results from the  
7 use of the bank's remote deposit capture.

8       SECTION 4. Chapter 149, Finance Code, is amended by adding  
9 Section 149.003 to read as follows:

10       Sec. 149.003. LIABILITY FOR REMOTE DEPOSIT CAPTURE. (a) In  
11 this section "remote deposit capture" means a method that allows a  
12 credit union to accept a deposit using an electronic image instead  
13 of the original physical check.

14       (b) A credit union that offers remote deposit capture is  
15 liable for any loss suffered by another person that results from the  
16 use of the credit union's remote deposit capture.

17       SECTION 5. The change in law made by this Act applies only  
18 to a cause of action that accrues on or after the effective date of  
19 this Act. A cause of action that accrues before the effective date  
20 of this Act is governed by the law in effect on the date the cause of  
21 action accrued, and the former law is continued in effect for that  
22 purpose.

23       SECTION 6. This Act takes effect September 1, 2017.