

BILL ANALYSIS

Senate Research Center

S.B. 1822
By: Campbell
Business & Commerce
5/29/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Amendments to the law regarding prepaid funeral contract sellers are needed to ensure consistency regarding reporting and escheating abandoned funds, and to allow the banking commissioner to recover certain agency costs from entities that have violated the laws. (Original Author's/Sponsor's Statement of Intent)

S.B. 1822 amends current law relating to prepaid funeral benefits.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 154.302, Finance Code, as follows:

Sec. 154.302. NOTICE OF ABANDONED MONEY. Requires a seller that holds money presumed abandoned under Section 154.301(b) (relating to conditions under which money paid by a purchaser of a prepaid funeral benefits contract is presumed abandoned), on March 1, rather than June 30, of each year, to furnish the banking commissioner of Texas (commissioner) with an acknowledged written notice of the abandoned money not later than the following June 1, rather than the following October 1.

SECTION 2. Amends Section 154.304, Finance Code, as follows:

Sec. 154.304. DELIVERY TO COMPTROLLER OF ABANDONED MONEY AND REPORT. Requires a seller, not later than the first July 1 after the date the seller is required to furnish notice to the commissioner under Section 154.302, to deliver to the comptroller of public accounts of the State of Texas (comptroller) the abandoned money and the report required to be filed under Chapter 74 (Report, Delivery, and Claims Process), Property Code, rather than requiring a seller, not later than the first November 1 after the date the commissioner receives the notice required by Section 154.302, to deliver to the comptroller certain specified items.

SECTION 3. Amends Section 154.400, Finance Code, by adding Subsection (e), as follows:

(e) Authorizes the commissioner to recover the reasonable costs incurred in connection with an investigation conducted under this section (Investigation and Subpoena Authority) from the person who is the subject of the investigation if, after a hearing conducted as provided by Chapter 2001 (Administrative Procedure), Government Code, the trier of fact determines that the person violated this chapter (Prepaid Funeral Services) or a rule adopted under this chapter.

SECTION 4. Makes application of Section 154.400(e), Finance Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2019.