By:  Sanford H.B. No. 4190

A BILL TO BE ENTITLED

AN ACT

relating to remedies for the recovery of debts by certain creditors.

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

SECTION 1.  Section 42.001, Property Code, is amended by amending Subsection (a) and adding subsections (a-1) and (a-2) to read as follows:

Sec. 42.001.  PERSONAL PROPERTY EXEMPTION. (a) Except as provided by subsections (a-1) and (a-2), personal [~~Personal~~] property, as described in Section 42.002, is exempt from garnishment, attachment, execution, or other seizure if:

(1)  the property is provided for a family and has an aggregate fair market value of not more than $100,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property; or

(2)  the property is owned by a single adult, who is not a member of a family, and has an aggregate fair market value of not more than $50,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property.

(a-1)  The personal property of a person against whom more than one unpaid judgment has been entered for more than one year is exempt from garnishment, attachment, execution, or other seizure if:

(1)  the property is provided for a family and has an aggregate fair market value of not more than $50,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property; or

(2)  the property is owned by a single adult, who is not a member of a family, and has an aggregate fair market value of not more than $25,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property.

(a-2)  The personal property of a person against whom more than one unpaid judgment has been entered for more than three years is not exempt from garnishment, attachment, execution, or other seizure.

SECTION 2.  Chapter 42, Property Code, is amended by adding Section 42.006 to read as follows:

Sec. 232.0135.  DENIAL OF LICENSE ISSUANCE OR RENEWAL. (a) A creditor who has obtained a judgment against a debtor that, after six months, has not been satisfied, may provide notice to a licensing authority concerning the debtor that requests the authority to refuse to approve an application for issuance of a license to the obligor or renewal of an existing license of the debtor.

(b)  A licensing authority that receives a request described by Subsection (a) shall, after confirmation of the facts alleged in the notice, refuse to approve an application for issuance of a license to the debtor or renewal of an existing license of the debtor until the authority is notified by the creditor that the debtor has:

(1)  paid the judgment;

(2)  made an immediate payment of not less than $200 toward the total amount owed and established with the creditor a satisfactory repayment schedule for the remainder; or

(3)  been granted an exemption from this subsection as part of a court-supervised plan to improve the debtor's earnings payments.

(c)  On providing a licensing authority with the notice described by Subsection (a), the creditor shall send a copy to the debtor by first class mail and inform the debtor of the steps the debtor must take to permit the authority to approve the debtor's application for license issuance or renewal.

SECTION 3.  This Act takes effect September 1, 2019.