86R6873 YDB-D

By:  Hinojosa S.B. No. 783

A BILL TO BE ENTITLED

AN ACT

relating to state agency enforcement of laws regulating small businesses.

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

SECTION 1.  Subchapter A, Chapter 2006, Government Code, is amended by adding Section 2006.003 to read as follows:

Sec. 2006.003.  OPPORTUNITY TO REMEDY VIOLATION; POLICY. (a) This section applies only to a state agency with regulatory authority over a small business.

(b)  Before a state agency may impose an administrative penalty or request imposition of a civil penalty against a small business for a first violation of a statute or a rule administered by the agency, the agency must allow the small business the opportunity to remedy the violation. Notwithstanding any other law, a violation is not considered to be a continuing violation during the time in which the small business attempts to remedy the violation.

(c)  Each state agency subject to this section shall adopt a policy consistent with the requirements of Subsection (b). The policy must provide that the agency will not attempt to recover an administrative penalty or request imposition of a civil penalty while the small business is making reasonable attempts to remedy the violation.

SECTION 2.  Not later than January 1, 2020, each state agency shall adopt and implement the policy required by Section 2006.003, Government Code, as added by this Act.

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