By:  Hughes S.B. No. 2140

(In the Senate - Filed March 7, 2019; March 21, 2019, read first time and referred to Committee on State Affairs; April 9, 2019, reported favorably by the following vote: Yeas 9, Nays 0; April 9, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to the amount of civil penalties the attorney general may seek to recover under the Deceptive Trade Practices-Consumer Protection Act.

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

SECTION 1.  Section 17.47(c), Business & Commerce Code, is amended to read as follows:

(c)  In addition to the request for a temporary restraining order, or permanent injunction in a proceeding brought under Subsection (a) of this section, the consumer protection division may request, and the trier of fact may award, a civil penalty to be paid to the state in an amount of:

(1)  not more than $10,000 [~~$20,000~~] per violation; and

(2)  if the act or practice that is the subject of the proceeding was calculated to acquire or deprive money or other property from a consumer who was 65 years of age or older when the act or practice occurred, an additional amount of not more than $250,000.

SECTION 2.  The changes in law made by this Act apply only to an action filed by the consumer protection division under Section 17.47, Business & Commerce Code, on or after the effective date of this Act. An action filed by the consumer protection division under Section 17.47, Business & Commerce Code, before the effective date of this Act is governed by the law in effect on the date the action is filed, and the former law is continued in effect for that purpose.

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

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