

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

S.B. No. 783

1 shall adopt and implement the policy required by Section 2006.003,
2 Government Code, as added by this Act.

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