|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| H.B. 3941 |
| By: Guillen |
| Business & Industry |
| Committee Report (Unamended) |

|  |
| --- |
| **BACKGROUND AND PURPOSE**  In 2018, a federal district court held that the state's anti-surcharge law for credit card purchases, as applied to certain merchants, is an unconstitutional violation of commercial free speech rights. Accordingly, H.B. 3941 seeks to repeal this law. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  H.B. 3941 repeals Section 604A.0021, Business & Commerce Code, which prohibits a person selling goods or services from imposing a surcharge on a buyer who uses a credit card for an extension of credit instead of cash, a check, or a similar means of payment.  H.B. 3941 amends the Business & Commerce Code to make conforming changes. |
| **EFFECTIVE DATE**  September 1, 2021. |