87R7139 MWC-F

By:  Thompson of Harris H.B. No. 3295

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain actions by district and county attorneys under the Deceptive Trade Practices-Consumer Protection Act.

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

SECTION 1.  Sections 17.48(c) and (d), Business & Commerce Code, are amended to read as follows:

(c)  In an action prosecuted by a district or county attorney under this subchapter for a violation of Section 17.46(b)(28) or (33), three-fourths of any civil penalty awarded by a court must be paid to the county where the court is located.

(d)  A district or county attorney is not required to obtain the permission of the consumer protection division to prosecute an action under this subchapter for a violation of Section 17.46(b)(28) or (33), if the district or county attorney provides prior written notice to the division as required by Subsection (b).

SECTION 2.  Sections 17.48(c) and (d), Business & Commerce Code, as amended by this Act, apply only to an action that accrues on or after the effective date of this Act. An action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.