87R18282 MWC-F

By:  Capriglione H.B. No. 3745

Substitute the following for H.B. No. 3745:

By:  Patterson C.S.H.B. No. 3745

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions in connection with the online sale of goods.

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

SECTION 1.  Subtitle B, Title 10, Business & Commerce Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. ONLINE SALE OF GOODS

Sec. 328.001.  PROHIBITIONS CONCERNING SALE OF GOODS ONLINE. A person may not sell, use, or cause to be used any method, technology, device, or software in the sale of a good on an Internet website that:

(1)  functions as a bypass in the purchasing process;

(2)  disguises the identity of the purchaser;

(3)  permits the purchase of a quantity of goods in a number that exceeds the maximum number of goods that may be sold to one purchaser as specified by the seller or operator on the website; or

(4)  circumvents a security measure, access control system, or other control, authorization, or measure in the purchasing process.

Sec. 328.002.  ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION. (a) The attorney general may investigate a claim that a person violated this chapter.

(b)  If the attorney general believes that a person is violating or about to violate this chapter, the attorney general may bring an action in the name of the state to restrain or enjoin the person from violating this chapter.

(c)  The attorney general is entitled to recover all reasonable costs of bringing an action under this section, including court costs, reasonable attorney's fees, and investigation costs.

SECTION 2.  This Act takes effect September 1, 2021.