

By: Herrero

H.B. No. 1493

A BILL TO BE ENTITLED

AN ACT

relating to the use of an entity name that falsely implies governmental affiliation.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150C to read as follows:

CHAPTER 150C. ENTITY NAME FALSELY IMPLYING GOVERNMENTAL AFFILIATION

Sec. 150C.001. DEFINITION. In this chapter, "governmental unit" has the meaning assigned by Section 101.001.

Sec. 150C.002. FALSELY IMPLYING GOVERNMENTAL AFFILIATION.

(a) A governmental unit is entitled to enjoin another person's use of an entity name that might falsely imply governmental affiliation with the governmental unit.

(b) In an action brought under this section, the governmental unit is entitled to injunctive relief throughout the state.

(c) If the court finds that the person against whom the injunctive relief is sought wilfully intended to imply governmental affiliation with the governmental unit, the court, in the court's discretion, may:

(1) enter judgment in an amount not to exceed three times the amount of the entity's profits and the governmental unit's damages; and

1           (2) award reasonable attorney's fees to the  
2 governmental unit.

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