

By: Bernal

H.B. No. 2942

A BILL TO BE ENTITLED

AN ACT

relating to investigations and actions by district or county attorneys in connection with the deceptive trade practice of charging exorbitant or excessive prices for necessities during a declared disaster.

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

SECTION 1. The heading to Section 17.463, Business & Commerce Code, is amended to read as follows:

Sec. 17.463. LIMITED AUTHORITY OF DISTRICT AND COUNTY ATTORNEYS TO INVESTIGATE AND PROSECUTE CERTAIN DECEPTIVE ACTS OR PRACTICES [~~PRODUCTION, SALE, DISTRIBUTION, OR PROMOTION OF CERTAIN SYNTHETIC SUBSTANCES~~].

SECTION 2. Section 17.463, Business & Commerce Code, is amended by amending Subsections (a) and (f) and adding Subsection (g) to read as follows:

(a) This section applies only to an act described by Section 17.46(b)(27) or (31) [~~17.46(b)(31)~~].

(f) Notwithstanding any other law, in an action brought by a district or county attorney under this section for a violation of Section 17.46(b)(31), all settlements or penalties collected by the district or county attorney shall be divided between the state and the county in which the attorney brought suit, with:

(1) 50 percent of the amount collected paid to the comptroller for deposit to the credit of the basic civil legal

services account established by Section 51.943, Government Code;
and

(2) 50 percent of the amount collected paid to the
county shall be deposited by the county in a segregated account and
the funds shall be used only for law enforcement, public health
programs, or drug abuse prevention programs.

(g) Notwithstanding any other law, in an action brought by a
district or county attorney under this section for a violation of
Section 17.46(b)(27), all settlements or penalties collected by the
district or county attorney shall be divided between the state and
the county in which the attorney brought suit, with:

(1) 50 percent of the amount collected paid to the
comptroller for deposit to the credit of the general revenue fund;
and

(2) 50 percent of the amount collected paid to the
county.

SECTION 3. The changes in law made by this Act apply only to
an act or practice that occurs on or after the effective date of
this Act. An act or practice that occurs before the effective date
of this Act is governed by the law in effect on the date the act or
practice occurred, and the former law is continued in effect for
that purpose.

SECTION 4. This Act takes effect September 1, 2021.