

By: Capriglione

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.

For commercial purposes, a person may not sell, use, or cause to be used any 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;

(4) allows for the unauthorized access to or identification of gift card information, including gift card numbers and gift card personal identification numbers; or

(5) 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

1 violated this chapter.

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

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

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