

1-1 By: Capriglione (Senate Sponsor - Zaffirini) H.B. No. 3745  
1-2 (In the Senate - Received from the House April 27, 2021;  
1-3 May 10, 2021, read first time and referred to Committee on Business  
1-4 & Commerce; May 21, 2021, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3745 By: Hancock

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to prohibitions in connection with the online sale of  
1-22 goods.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle B, Title 10, Business & Commerce Code,  
1-25 is amended by adding Chapter 328 to read as follows:

1-26 CHAPTER 328. ONLINE SALE OF GOODS

1-27 Sec. 328.001. PROHIBITIONS CONCERNING SALE OF GOODS ONLINE.

1-28 (a) For commercial purposes, a person may not sell, use, or cause  
1-29 to be used any technology, device, or software in the sale of a good  
1-30 on an Internet website that:

1-31 (1) functions as a bypass in the purchasing process;

1-32 (2) disguises the identity of the purchaser;

1-33 (3) permits the purchase of a quantity of goods in a  
1-34 number that exceeds the maximum number of goods that may be sold to  
1-35 one purchaser as specified by the seller or operator on the website;

1-36 (4) allows for the unauthorized access to or  
1-37 identification of gift card information, including gift card  
1-38 numbers and gift card personal identification numbers; or

1-39 (5) circumvents a security measure, access control  
1-40 system, or other control, authorization, or measure in the  
1-41 purchasing process.

1-42 (b) This section does not apply to the seller of the good on  
1-43 the Internet website or to the operator of the Internet website.

1-44 Sec. 328.002. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION.

1-45 (a) The attorney general may investigate a claim that a person  
1-46 violated this chapter.

1-47 (b) If the attorney general believes that a person is  
1-48 violating this chapter, the attorney general may bring an action in  
1-49 the name of the state to restrain or enjoin the person from  
1-50 violating this chapter.

1-51 (c) The attorney general is entitled to recover all  
1-52 reasonable costs of bringing an action under this section,  
1-53 including court costs, reasonable attorney's fees, and  
1-54 investigation costs.

1-55 SECTION 2. This Act takes effect September 1, 2021.

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