

By: Guillen

H.B. No. 3941

A BILL TO BE ENTITLED

AN ACT

relating to surcharges imposed for the use of a credit card.

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

SECTION 1. Section 604A.003, Business & Commerce Code, is amended to read as follows:

Sec. 604A.003. CIVIL PENALTY. (a) A person who knowingly violates Section 604A.002 [~~or 604A.0021~~] is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring:

(1) a suit to recover the civil penalty imposed under this section; and

(2) an action in the name of the state to restrain or enjoin a person from violating this chapter.

(b) Before bringing the action, the attorney general or prosecuting attorney shall give the person notice of the person's noncompliance and liability for a civil penalty. The notice must:

(1) contain guidance to assist the person in complying with this chapter;

(2) advise the person of the prohibitions under Section [~~Sections~~] 604A.002 [~~and 604A.0021~~]; and

(3) state that the person may be liable for a civil penalty for a subsequent violation of Section 604A.002 [~~or 604A.0021~~].

1 (b-1) If the person complies with Section [~~Sections~~
2 604A.002 [~~and 604A.0021~~] not later than the 30th day after the date
3 of the notice under Subsection (b), the violation is cured and the
4 person is not liable for the civil penalty. A person who has
5 previously received notice of noncompliance under Subsection (b) is
6 not entitled to notice of or the opportunity to cure a subsequent
7 violation of Section 604A.002 [~~or 604A.0021~~].

8 (c) The attorney general or the prosecuting attorney, as
9 appropriate, is entitled to recover reasonable expenses incurred in
10 obtaining injunctive relief, civil penalties, or both, under this
11 section, including reasonable attorney's fees, court costs, and
12 investigatory costs.

13 SECTION 2. Section 604A.0021, Business & Commerce Code, is
14 repealed.

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