

By: Lambert

H.B. No. 3102

Substitute the following for H.B. No. 3102:

By: Vasut

C.S.H.B. No. 3102

A BILL TO BE ENTITLED

AN ACT

relating to the cancellation of certain consumer transactions.

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

SECTION 1. Section 601.002, Business & Commerce Code, is amended to read as follows:

Sec. 601.002. APPLICABILITY OF CHAPTER; EXCEPTION. (a)

This chapter applies only to a consumer transaction in which:

(1) the merchant or the merchant's agent is not regulated by the Texas Department of Insurance or the Texas Department of Licensing and Regulation and engages in a personal solicitation of a sale to the consumer at a place other than the merchant's place of business if:

(A) the consumer is not a customer of the merchant, or of an affiliate of the merchant, at the time of the solicitation; or

(B) the consumer has not previously placed an order for goods or services with the merchant, an affiliate of the merchant, or the merchant's agent;

(2) the consumer's agreement or offer to purchase is given to the merchant or the merchant's agent at a place other than the merchant's place of business if the merchant is not regulated by the Texas Department of Insurance or the Texas Department of Licensing and Regulation, and:

(A) the consumer is not a customer of the

1 merchant, or of an affiliate of the merchant, at the time of the
2 solicitation described by Subdivision (1); or

3 (B) the consumer has not previously placed an
4 order for goods or services with the merchant, an affiliate of the
5 merchant, or the merchant's agent; and

6 (3) the agreement or offer is for:

7 (A) the purchase of goods or services for
8 consideration that exceeds \$25, payable in installments or in cash;
9 or

10 (B) the purchase of real property for
11 consideration that exceeds \$100, payable in installments or in
12 cash.

13 (b) Notwithstanding Subsection (a), this chapter does not
14 apply to:

15 (1) a purchase of farm equipment;

16 (2) an insurance sale regulated by the Texas
17 Department of Insurance;

18 (3) a sale of goods or services made:

19 (A) under a preexisting revolving charge account
20 or retail charge agreement; ~~or~~

21 (B) after negotiations between the parties at a
22 business establishment in a fixed location where goods or services
23 are offered or exhibited for sale; or

24 (C) entirely by mail, Internet, or telephone and
25 without any other contact between the buyer and the seller or the
26 seller's representative before delivery of the goods or performance
27 of the services; or

1 (4) a sale of real property if:

2 (A) the purchaser is represented by a licensed
3 attorney;

4 (B) the transaction is negotiated by a licensed
5 real estate broker; or

6 (C) the transaction is negotiated at a place
7 other than the consumer's residence by the person who owns the
8 property.

9 SECTION 2. The changes in law made by this Act apply only to
10 a consumer transaction that occurs on or after the effective date of
11 this Act. A consumer transaction that occurs before the effective
12 date of this Act is governed by the law in effect on the date the
13 transaction occurred, and the former law is continued in effect for
14 that purpose.

15 SECTION 3. This Act takes effect September 1, 2023.