

By: Zaffirini, et al. S.B. No. 58
(Thimesch, Capriglione, Isaac, Frazier, Jones of Dallas)

Substitute the following for S.B. No. 58:

By: González of Dallas C.S.S.B. No. 58

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. DEFINITION. In this chapter, "goods" has the meaning assigned by Section 17.45.

Sec. 328.002. PROHIBITIONS CONCERNING SALE OF GOODS ONLINE.

(a) For commercial purposes, a person may not sell, use, or cause to be used any technology, device, or software in the sale of goods 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.

1 (b) This section does not apply to the seller of goods on the
2 Internet website or to the operator of the Internet website.

3 Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION.

4 (a) The attorney general may investigate a claim that a person
5 violated this chapter.

6 (b) If the attorney general believes that a person is
7 violating this chapter, the attorney general may bring an action in
8 the name of the state to restrain or enjoin the person from
9 violating this chapter.

10 (c) The attorney general is entitled to recover all
11 reasonable costs of bringing an action under this section,
12 including court costs, reasonable attorney's fees, and
13 investigation costs.

14 SECTION 2. This Act takes effect September 1, 2023.