

By: Curry

H.B. No. 4564

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and enforcement of the Deceptive Trade Practices-Consumer Protection Act.

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

SECTION 1. Sections 17.49(f) and (g), Business & Commerce Code, are amended to read as follows:

(f) A consumer may not bring an action under Section 17.50 for ~~[Nothing in the subchapter shall apply to]~~ a claim arising out of a written contract if:

(1) the contract relates to a transaction, a project, or a set of transactions related to the same project involving total consideration by the consumer of more than \$100,000;

(2) in negotiating the contract the consumer is represented by legal counsel who is not directly or indirectly identified, suggested, or selected by the defendant or an agent of the defendant; and

(3) the contract does not involve the consumer's residence.

(g) A consumer may not bring an ~~[Nothing in this subchapter shall apply to a cause of]~~ action under Section 17.50 for a claim arising from a transaction, a project, or a set of transactions relating to the same project, involving total consideration by the consumer of more than \$500,000, other than a cause of action involving a consumer's residence.

1 SECTION 2. Section 17.60, Business & Commerce Code, is  
2 amended to read as follows:

3 Sec. 17.60. REPORTS AND EXAMINATIONS. (a) Whenever the  
4 consumer protection division has reason to believe that a person is  
5 engaging in, has engaged in, or is about to engage in any act or  
6 practice declared to be unlawful by this subchapter, or when it  
7 reasonably believes it to be in the public interest to conduct an  
8 investigation to ascertain whether any person is engaging in, has  
9 engaged in, or is about to engage in any such act or practice, an  
10 authorized member of the division may:

11 (1) require the person to file on the prescribed forms  
12 a statement or report in writing, under oath or otherwise, as to all  
13 the facts and circumstances concerning the alleged violation and  
14 such other data and information as the consumer protection division  
15 deems necessary;

16 (2) examine under oath any person in connection with  
17 this alleged violation;

18 (3) examine any merchandise or sample of merchandise  
19 deemed necessary and proper; and

20 (4) pursuant to an order of the appropriate court,  
21 impound any sample of merchandise that is produced in accordance  
22 with this subchapter and retain it in the possession of the division  
23 until the completion of all proceedings in connection with which  
24 the merchandise is produced.

25 (b) Unless ordered by a court for good cause, no sworn  
26 testimony made under this section may be disclosed to any person  
27 other than an authorized employee of the office of the attorney

1 general without the consent of the person who made the testimony.  
2 The office of the attorney general shall prescribe reasonable terms  
3 and conditions allowing for the disclosure of the sworn testimony  
4 to an authorized representative of that person. The office of the  
5 attorney general may use the sworn testimony as it determines  
6 necessary in the enforcement of this subchapter, including  
7 presentation before any court. Any testimony that contains trade  
8 secrets may not be disclosed except with the approval of the court  
9 in which the action is pending after adequate notice to the person  
10 furnishing the material.

11 SECTION 3. This Act takes effect September 1, 2025.