

1-1 By: Johnson, et al. (Senate Sponsor - West) H.B. No. 2590  
1-2 (In the Senate - Received from the House May 6, 2015;  
1-3 May 7, 2015, read first time and referred to Committee on State  
1-4 Affairs; May 22, 2015, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 22, 2015, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Huffman	X			
1-10	Ellis	X			
1-11	Birdwell	X			
1-12	Creighton	X			
1-13	Estes	X			
1-14	Fraser			X	
1-15	Nelson	X			
1-16	Schwertner	X			
1-17	Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2590 By: Ellis

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

1-21 relating to providing a remedy for fraud committed in certain real  
1-22 estate transactions.

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

1-24 SECTION 1. Chapter 27, Business & Commerce Code, is amended  
1-25 by adding Section 27.015 to read as follows:

1-26 Sec. 27.015. DECEPTIVE TRADE PRACTICE; PUBLIC REMEDY. (a)  
1-27 In this section, "consumer protection division" has the meaning  
1-28 assigned by Section 17.45.

1-29 (b) A violation of Section 27.01 that relates to the  
1-30 transfer of title to real estate is a false, misleading, or  
1-31 deceptive act or practice as defined by Section 17.46(b), and any  
1-32 public remedy under Subchapter E, Chapter 17, is available for a  
1-33 violation of that section.

1-34 (c) It is the duty of city attorneys to lend the consumer  
1-35 protection division any reasonable assistance requested in the  
1-36 commencement and prosecution of actions under this section.

1-37 (d) To the same extent and in the same manner a district or  
1-38 county attorney may institute or prosecute an action under this  
1-39 section, a city attorney may institute or prosecute an action under  
1-40 this section.

1-41 (e) If a district, county, or city attorney brings an action  
1-42 under this section, 75 percent of any penalty recovered shall be  
1-43 deposited in the general fund of the county or municipality in which  
1-44 the violation occurred.

1-45 (f) This section does not apply to an action to recover  
1-46 damages that is subject to Chapter 27, Property Code.

1-47 SECTION 2. The changes in law made by this Act apply only to  
1-48 a violation of Section 27.01, Business & Commerce Code, that occurs  
1-49 on or after the effective date of this Act. A violation of Section  
1-50 27.01, Business & Commerce Code, that occurs before the effective  
1-51 date of this Act is governed by the law in effect on the date the  
1-52 violation occurred, and the former law is continued in effect for  
1-53 that purpose. For purposes of this section, a violation occurs  
1-54 before the effective date of this Act if any element of the  
1-55 violation occurs before that date.

1-56 SECTION 3. This Act takes effect September 1, 2015.

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