

1-1 By: Schwertner S.B. No. 641  
1-2 (In the Senate - Filed February 19, 2015; February 24, 2015,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 March 23, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 23, 2015,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Eltife	X		
1-10	Creighton	X		
1-11	Ellis	X		
1-12	Huffines	X		
1-13	Schwertner	X		
1-14	Seliger	X		
1-15	Taylor of Galveston	X		
1-16	Watson	X		
1-17	Whitmire	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 641 By: Schwertner

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

1-21 relating to debit card or stored value card surcharges; providing a  
1-22 civil penalty.

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

1-24 SECTION 1. Section 59.401, Finance Code, is amended by  
1-25 adding Subdivision (5) to read as follows:

1-26 (5) "Surcharge" means any increase in the price  
1-27 charged for goods or services imposed on a customer who pays with a  
1-28 debit or stored value card that is not imposed on a customer who  
1-29 pays by other means.

1-30 SECTION 2. Subchapter E, Chapter 59, Finance Code, is  
1-31 amended by adding Section 59.403 to read as follows:

1-32 Sec. 59.403. CIVIL PENALTY. (a) A person who knowingly  
1-33 violates Section 59.402 is liable to the state for a civil penalty  
1-34 in an amount not to exceed \$1,000 for each violation. The attorney  
1-35 general or the prosecuting attorney in the county in which the  
1-36 violation occurs may bring:

1-37 (1) a suit to recover the civil penalty imposed under  
1-38 this section; and

1-39 (2) an action in the name of the state to restrain or  
1-40 enjoin a person from violating this chapter.

1-41 (b) Before bringing the action, the attorney general or  
1-42 prosecuting attorney shall give the person notice of the person's  
1-43 noncompliance and liability for a civil penalty. If the person  
1-44 complies with Section 59.402 not later than the 30th day after the  
1-45 date of the notice, the violation is cured and the person is not  
1-46 liable for the civil penalty.

1-47 (c) The attorney general or prosecuting attorney, as  
1-48 appropriate, is entitled to recover reasonable expenses incurred in  
1-49 obtaining injunctive relief, civil penalties, or both, under this  
1-50 section, including reasonable attorney's fees, court costs, and  
1-51 investigatory costs.

1-52 SECTION 3. The changes in law made by this Act apply only to  
1-53 a sale of goods or services occurring on or after the effective date  
1-54 of this Act. A sale of goods or services occurring before the  
1-55 effective date of this Act is governed by the law in effect on the  
1-56 date the sale occurred, and the former law is continued in effect  
1-57 for that purpose.

1-58 SECTION 4. This Act takes effect September 1, 2015.

1-59 \* \* \* \* \*