

BILL ANALYSIS

S.B. 560
By: Hancock
Investments & Financial Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the consumer credit commissioner's jurisdiction to enforce a prohibition against certain sellers imposing a credit card surcharge on a sale of goods or services and the authority of the Finance Commission of Texas to adopt rules relating to such prohibition are unnecessary and burdensome to the state. S.B. 560 seeks to eliminate such jurisdiction and authority.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 560 transfers from the Finance Code to the Business & Commerce Code the prohibition against a seller in a sale of goods or services imposing a surcharge on a buyer who uses a credit card for an extension of credit instead of cash, a check, or similar means of payment. The bill amends the Finance Code to remove the jurisdiction of the consumer credit commissioner to enforce the prohibition and the authority of the Finance Commission of Texas to adopt rules relating to the prohibition.

S.B. 560 amends the Business & Commerce Code to make a person who knowingly violates the transferred prohibition liable to the state for a civil penalty capped at \$500 for each violation in the same manner as a violation of the prohibition against a merchant imposing a surcharge on a buyer who uses a debit or stored value card in a sale of goods or services.

EFFECTIVE DATE

September 1, 2017.