

## **BILL ANALYSIS**

H.B. 2176  
By: Parker  
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 Finance Commission of Texas' authority to adopt rules relating to such prohibition are unnecessary and burdensome to the state. H.B. 2176 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**

H.B. 2176 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.

H.B. 2176 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.