

## **BILL ANALYSIS**

S.B. 1778  
By: Paxton  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There are concerns that consumers who lease motor vehicles can be exposed to too many out-of-pocket charges at the end of a lease agreement. S.B. 1778 seeks to address these concerns by authorizing motor vehicle lessors to offer an excess wear and use waiver in connection with a lease agreement.

### **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. 1778 amends the Business & Commerce Code to authorize a lessee under a personal, family, or household motor vehicle lease agreement to contract with a lessor for an excess wear and use waiver in connection with the lease agreement. The bill sets out restrictions on the sale of such a waiver and prohibits a waiver from being imposed or its purchase required as a condition of entering into an agreement. The bill requires the waiver to be in writing and to include a notice that the waiver is optional and specifies the contents of the notice. The bill requires a lease agreement that includes the waiver to disclose the total charge for the waiver and any exclusions or limitations on the amount of excess wear and use that may be waived under the waiver. The bill establishes that a waiver is not insurance.

S.B. 1778 makes a lessor violating the bill's provisions liable for a civil penalty in an amount of not less than \$500 or more than \$1,000 for each violation. The bill provides for injunctive relief for a person injured or threatened with injury by a violation of the bill's provisions and authorizes the attorney general or a county or district attorney to bring an action in the name of the state for a civil penalty, injunctive relief, or both.

### **EFFECTIVE DATE**

September 1, 2019.