

BILL ANALYSIS

H.B. 1493
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current state law prohibits registration with the secretary of state of an entity whose name falsely implies governmental affiliation. However, there is no current path in statute to reverse a registration for an entity that was mistakenly allowed to register as a governmental affiliation. H.B. 1493 seeks to address this issue by providing a remedy for governmental units to pursue if they believe an entity wilfully intended to imply governmental affiliation with that governmental unit.

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. 1493 amends the Civil Practice and Remedies Code to entitle an applicable governmental unit to enjoin another person's use of an entity name that might falsely imply governmental affiliation with the governmental unit. The bill entitles the governmental unit to injunctive relief throughout Texas in such an action. If a court that finds that the person against whom the relief is sought wilfully intended to imply governmental affiliation, the court, in the court's discretion, may enter judgment in a maximum amount of three times the amount of the entity's profits and the governmental unit's damages and may award reasonable attorney's fees.

EFFECTIVE DATE

September 1, 2021.