

**SUBJECT:** Regulating certain deceptive acts involving solicitation of goods, services

**COMMITTEE:** Business and Industry — committee substitute recommended

**VOTE:** 7 ayes — Oliveira, Simmons, Collier, Fletcher, Rinaldi, Romero, Villalba

0 nays

**WITNESSES:** For — None

Against — None

On — Tommy Prud'homme, Office of the Attorney General

**BACKGROUND:** Certain businesses advertise by sending material that appears to be mail from a governmental entity, a valid check, or a bill that carries criminal penalties if not paid. These advertisements are confusing and can lead individuals to believe that they are in trouble with the government, have received money, or owe money to avoid criminal prosecution.

**DIGEST:** CSHB 1265 would add certain practices to the list of acts that were considered false, misleading, or deceptive under the Deceptive Trade Practices-Consumer Protection Act. The bill would add to the list the act of delivering or distributing a solicitation in connection with a good or service that:

- represented that a solicitation was sent on behalf of the government when it was not; or
- resembled a governmental notice or form that represented or implied a criminal penalty would be imposed if the recipient did not pay for the good or service.

The bill also would add to the list the act of delivering or distributing a solicitation in connection with a good or service that resembled a check or other negotiable instrument or invoice, unless that portion of the solicitation included the following notice, clearly and conspicuously

printed in at least 18-point type: "Specimen-non-negotiable."

The bill would take affect September 1, 2015, and would apply only to a cause of action that accrued on or after that date.