

BILL ANALYSIS

H.B. 3941
By: Guillen
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2018, a federal district court held that the state's anti-surcharge law for credit card purchases, as applied to certain merchants, is an unconstitutional violation of commercial free speech rights. Accordingly, H.B. 3941 seeks to repeal this law.

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. 3941 repeals Section 604A.0021, Business & Commerce Code, which prohibits a person selling goods or services from imposing a surcharge on a buyer who uses a credit card for an extension of credit instead of cash, a check, or a similar means of payment.

H.B. 3941 amends the Business & Commerce Code to make conforming changes.

EFFECTIVE DATE

September 1, 2021.