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Texas Transportation Code

Chapter 728. Sale or Transfer of Motor Vehicles and Master Keys

Subchapter A. Sale of Motor Vehicles on Consecutive Saturday and Sunday

§ 728.001. Definitions. In this subchapter:

- (1) "Employer" means a person who:
 - (A) owns a facility that sells or offers for sale motor vehicles; or
 - (B) has the authority to determine the hours of operation of the facility.
- (2) "Motor vehicle" means a self-propelled vehicle of two or more wheels designed to transport a person or property.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 728.002. Sale of Motor Vehicles on Consecutive Saturday and Sunday Prohibited.

- (a) A person may not, on consecutive days of Saturday and Sunday:
 - (1) sell or offer for sale a motor vehicle; or
 - (2) compel an employee to sell or offer for sale a motor vehicle.
- (b) Each day a motor vehicle is offered for sale is a separate violation. Each sale of a motor vehicle is a separate violation.
- (c) This section does not prohibit the occasional sale of a motor vehicle by a person not in a business that includes the sale of motor vehicles.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 728.003. Civil Penalty.

- (a) A person who violates Section 728.002 is subject to a civil penalty of:
 - (1) not more than \$500 for a first violation;
 - (2) not less than \$500 or more than \$1,000 for a second violation; or
 - (3) not less than \$1,000 or more than \$5,000 for a third or subsequent violation.
- (b) On a finding by the trier of fact that a person willfully or with conscious indifference violated Section 728.002, the court may triple the penalty due under Subsection (a).

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 728.004. Enforcement; Injunction.

- (a) The attorney general or a district, county, or municipal attorney may enforce this subchapter and may bring an action in the county in which a violation is alleged.
- (b) The operation of a business in violation of this subchapter is a public nuisance. Any person, including a district, county, or municipal attorney, may obtain an injunction restraining a violation of this subchapter. A person who obtains an injunction under this subsection may recover the person's costs, including court costs and reasonable attorney's fees.
- (c) An employer is a necessary party to an action brought against its employee under this section. An employer is strictly liable for all amounts, including civil penalties, damages, costs, and attorney's fees, resulting from a violation of Section 728.002 by its employee.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.