

By: Muñoz, Jr.

H.B. No. 3885

A BILL TO BE ENTITLED

AN ACT

relating to the maximum amount of penalties that may be imposed for delinquent taxes and tax reports and the application of taxpayer payments to taxes, penalties, and interest.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 111, Tax Code, is amended by adding Section 111.0512 to read as follows:

Sec. 111.0512. APPLICATION OF TAX PAYMENTS.

Notwithstanding any other law, the comptroller shall apply a payment made by a taxpayer to the amount of tax due before applying any portion of the payment to a penalty or interest owed by the taxpayer unless the taxpayer provides written instructions for a different application of the payment.

SECTION 2. Section 111.061, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other law, a penalty imposed on a person who fails to pay a tax imposed or file a report required by Title 2 or 3 of this code when due may not exceed \$500. This subsection does not apply to a penalty provided by Subsection (b).

SECTION 3. Section 111.0512, Tax Code, as added by this Act, applies only to a payment received on or after the effective date of this Act. A payment received before the effective date of this Act is governed by the law in effect on the date the payment was received, and the former law is continued in effect for that

1 purpose.

2 SECTION 4. Section [111.061](#), Tax Code, as amended by this
3 Act, applies only to an amount of tax or a tax report that is
4 originally due on or after the effective date of this Act. A penalty
5 in connection with an amount of tax or a tax report that was
6 originally due before the effective date of this Act is governed by
7 the law in effect on the date the tax or tax report was originally
8 due, and the former law is continued in effect for that purpose.

9 SECTION 5. This Act takes effect September 1, 2023.