

By: Lozano

H.B. No. 4079

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the requirements for issuance of export documentation  
3 by a customs broker for purposes of sales and use taxes.

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

5 SECTION 1. Sections 151.1575(a) and (b), Tax Code, are  
6 amended to read as follows:

7 (a) A customs broker licensed by the comptroller or an  
8 authorized employee of the customs broker may issue documentation  
9 certifying that delivery of tangible personal property was made to  
10 a point outside the territorial limits of the United States as  
11 required by Section 151.307(b)(2)(B) only if the customs broker or  
12 authorized employee:

13 (1) watches the property cross the border of the  
14 United States; or

15 (2) watches the property being placed on a common  
16 carrier for delivery outside the territorial limits of the United  
17 States[, ~~or~~

18 [~~(3) verifies that the purchaser is transporting the~~  
19 ~~property to a destination outside of the territorial limits of the~~  
20 ~~United States by:~~

21 [~~(A) examining a passport, laser visa~~  
22 ~~identification card, or foreign voter registration picture~~  
23 ~~identification indicating that the purchaser of the property~~  
24 ~~resides in a foreign country,~~

1                   ~~[(B) requiring that the documentation examined~~  
2 ~~under Paragraph (A) have a unique identification number for that~~  
3 ~~purchaser;~~

4                   ~~[(C) requiring the purchaser to produce the~~  
5 ~~property and the original sales receipt for the property;~~

6                   ~~[(D) requiring the purchaser to state the foreign~~  
7 ~~country destination of the property which must be the foreign~~  
8 ~~country in which the purchaser resides;~~

9                   ~~[(E) requiring the purchaser to state the date~~  
10 ~~and time the property is expected to arrive in the foreign country~~  
11 ~~destination;~~

12                   ~~[(F) requiring the purchaser to state the date~~  
13 ~~and time the property was purchased, the name and address of the~~  
14 ~~place at which the property was purchased, the sales price and~~  
15 ~~quantity of the property, and a description of the property;~~

16                   ~~[(G) requiring the purchaser and the broker or an~~  
17 ~~authorized employee to sign in the presence of each other a form~~  
18 ~~prepared or approved by the comptroller;~~

19                   ~~[(i) stating that the purchaser has~~  
20 ~~provided the information and documentation required by this~~  
21 ~~subdivision; and~~

22                   ~~[(ii) that contains a notice to the~~  
23 ~~purchaser that tangible personal property not exported is subject~~  
24 ~~to taxation under this chapter and the purchaser is liable, in~~  
25 ~~addition to other possible civil liabilities and criminal~~  
26 ~~penalties, for payment of an amount equal to the value of the~~  
27 ~~merchandise if the purchaser improperly obtained a refund of taxes~~

1 ~~relating to the property;~~

2 ~~[(H) requiring the purchaser to produce the~~  
3 ~~purchaser's:~~

4 ~~[(i) Form I-94, Arrival/Departure record,~~  
5 ~~or its successor, as issued by the United States Immigration and~~  
6 ~~Naturalization Service, for those purchasers in a county not~~  
7 ~~bordering the United Mexican States; or~~

8 ~~[(ii) air, land, or water travel~~  
9 ~~documentation if the customs broker is located in a county that does~~  
10 ~~not border the United Mexican States; and~~

11 ~~[(I) requiring the purchaser and the broker or an~~  
12 ~~authorized employee, when using a power of attorney form, to~~  
13 ~~attest, as a part of the form and in the presence of each other:~~

14 ~~[(i) that the purchaser has provided the~~  
15 ~~information and documentation required by this subdivision; and~~

16 ~~[(ii) that the purchaser is on notice that~~  
17 ~~tangible personal property not exported is subject to taxation~~  
18 ~~under this chapter and the purchaser is liable, in addition to other~~  
19 ~~possible civil liabilities and criminal penalties, for payment of~~  
20 ~~an amount equal to the value of the merchandise if the purchaser~~  
21 ~~improperly obtained a refund of taxes relating to the property].~~

22 (b) A customs broker licensed by the comptroller or an  
23 authorized employee of the customs broker may issue and deliver  
24 documentation under Subsection (a) at any time after the tangible  
25 personal property is purchased and the broker or employee completes  
26 the process required by Subsection (a). The comptroller shall  
27 limit to six the number of receipts for which a single proof of

1 export documentation may be issued under this section. The  
2 documentation must include:

- 3 (1) the name and address of the customs broker;
- 4 (2) the license number of the customs broker;
- 5 (3) the name and address of the purchaser;
- 6 (4) the name and address of the place at which the  
7 property was purchased;
- 8 (5) the date and time of the sale;
- 9 (6) a description and the quantity of the property;
- 10 (7) the sales price of the property;
- 11 (8) the foreign country destination of the property,  
12 which may not be the place of export;
- 13 (9) the date and time:

14 (A) at which the customs broker or authorized  
15 employee watched the property cross the border of the United  
16 States; or

17 (B) at which the customs broker or authorized  
18 employee watched the property being placed on a common carrier for  
19 delivery outside the territorial limits of the United States; ~~or~~

20 ~~[(C) the property is expected to arrive in the  
21 foreign country destination, as stated by the purchaser,]~~

22 (10) a declaration signed by the customs broker or an  
23 authorized employee of the customs broker stating that:

24 (A) the customs broker is a licensed Texas  
25 customs broker; and

26 (B) the customs broker or authorized employee  
27 inspected the property and the original receipt for the property;

1 and

2 (11) an export certification stamp issued by the  
3 comptroller.

4 SECTION 2. The changes in law made by this Act do not affect  
5 tax liability accruing before the effective date of this Act. That  
6 liability continues in effect as if this Act had not been enacted,  
7 and the former law is continued in effect for the collection of  
8 taxes due and for civil and criminal enforcement of the liability  
9 for those taxes.

10 SECTION 3. This Act takes effect September 1, 2023.