

By: Oliverson

H.B. No. 4094

A BILL TO BE ENTITLED

AN ACT

relating to a refund of sales and use taxes paid on the purchase of certain aircraft leased for flight instruction.

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

SECTION 1. Chapter 163, Tax Code, is amended by adding Section 163.010 to read as follows:

Sec. 163.010. REFUND OF TAX ON PURCHASE OF AIRCRAFT LEASED FOR FLIGHT INSTRUCTION. (a) In this section, "operational control" has the meaning assigned by Section 163.002(b).

(b) A purchaser of an aircraft is entitled to apply for and receive a refund in the amount provided by Subsection (c) of the tax imposed under Chapter 151 and paid on the purchase of the aircraft if the purchaser enters into a written lease agreement for a term of at least 24 months under which the purchaser transfers operational control of at least 50 percent of the aircraft's departures to a lessee described by Section 151.328(a)(2). The aircraft must be used in accordance with the terms of the lease agreement.

(c) The amount of the refund is a percentage of the tax paid on the purchase of the aircraft equal to the percentage of the aircraft's departures for which operational control is transferred under the agreement under Subsection (b).

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been

1 enacted, and the former law is continued in effect for the
2 collection of taxes due and for civil and criminal enforcement of
3 the liability for those taxes.

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