

By: Zaffirini, West

S.B. No. 61

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the methods by which the comptroller may provide  
3 certain notices relating to the revocation or suspension of a  
4 permit or license or the forfeiture of corporate privileges in this  
5 state.

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

7 SECTION 1. Section [111.0047](#), Tax Code, is amended by  
8 amending Subsection (d) and adding Subsections (e) and (f) to read  
9 as follows:

10 (d) Notices under this section may be served on the holder  
11 of the permit or license personally, ~~or~~ may be mailed to the  
12 holder's address as shown in the records of the comptroller, or at  
13 the election of the holder of the permit or license, may be served  
14 by electronic means.

15 (e) Service by electronic means is complete when the  
16 comptroller transmits the notice using the contact information  
17 provided to the comptroller by the holder of the permit or license  
18 as shown in the records of the comptroller.

19 (f) Service by mail is complete when the notice is deposited  
20 by the comptroller in a United States Postal Service post office.

21 SECTION 2. Section [151.203](#), Tax Code, is amended by  
22 amending Subsection (d) and adding Subsections (e) and (f) to read  
23 as follows:

24 (d) Notices under this section may be served on the permit

1 holder personally, ~~[or]~~ may be mailed to the permittee's address as  
2 shown in the records of the comptroller, or at the election of the  
3 holder of the permit, may be served by electronic means.

4 (e) Service by electronic means is complete when the  
5 comptroller transmits the notice using the contact information  
6 provided to the comptroller by the permit holder as shown in the  
7 records of the comptroller.

8 (f) Service by mail is complete when the notice is deposited  
9 by the comptroller in a United States Postal Service post office.

10 SECTION 3. Section 171.251, Tax Code, is amended to read as  
11 follows:

12 Sec. 171.251. FORFEITURE OF CORPORATE PRIVILEGES. The  
13 comptroller shall forfeit the corporate privileges of a corporation  
14 on which the franchise tax is imposed if the corporation:

15 (1) does not file, in accordance with this chapter and  
16 within 45 days after the date notice of forfeiture is mailed or at  
17 the election of the corporation, provided by electronic means, a  
18 report required by this chapter;

19 (2) does not pay, within 45 days after the date notice  
20 of forfeiture is mailed or at the election of the corporation,  
21 provided by electronic means, a tax imposed by this chapter or does  
22 not pay, within those 45 days, a penalty imposed by this chapter  
23 relating to that tax; or

24 (3) does not permit the comptroller to examine under  
25 Section 171.211 ~~[of this code]~~ the corporation's records.

26 SECTION 4. Sections 171.256(c) and (d), Tax Code, are  
27 amended to read as follows:

1 (c) The comptroller shall mail the notice or at the election  
2 of the corporation, send the notice by electronic means, to the  
3 corporation at least 45 days before the forfeiture of corporate  
4 privileges. The notice shall be:

5 (1) addressed to the corporation and mailed to the  
6 address named in the corporation's charter as its principal place  
7 of business or to another known place of business of the corporation  
8 if the notice is mailed to the corporation; or

9 (2) sent to the corporation by electronic means using  
10 the contact information provided to the comptroller by the  
11 corporation as shown in the records of the comptroller if the notice  
12 is sent to the corporation by electronic means.

13 (d) The comptroller shall keep at the comptroller's office a  
14 record of the date on which the notice is mailed or sent by  
15 electronic means. For the purposes of this chapter, the notice and  
16 the record of the ~~[mailing]~~ date the notice was mailed or sent by  
17 electronic means constitute legal and sufficient notice of the  
18 forfeiture.

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