

AN ACT

relating to the methods by which the comptroller may provide certain notices relating to the revocation or suspension of a permit or license or the forfeiture of corporate privileges in this state.

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

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

(d) Notices under this section may be served on the holder of the permit or license personally or by electronic means or may be mailed to the holder's address as shown in the records of the comptroller.

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

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

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

(d) Notices under this section may be served on the permit holder personally or by electronic means or may be mailed to the

1 permittee's address as shown in the records of the comptroller.

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

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

8 SECTION 3. Section 171.251, Tax Code, is amended to read as
9 follows:

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

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

16 (2) does not pay, within 45 days after the date notice
17 of forfeiture is mailed or provided by electronic means, a tax
18 imposed by this chapter or does not pay, within those 45 days, a
19 penalty imposed by this chapter relating to that tax; or

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

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

24 (c) The comptroller shall mail the notice or send the notice
25 by electronic means, to the corporation at least 45 days before the
26 forfeiture of corporate privileges. The notice shall be:

27 (1) addressed to the corporation and mailed to the

1 address named in the corporation's charter as its principal place
2 of business or to another known place of business of the corporation
3 if the notice is mailed to the corporation; or

4 (2) sent to the corporation by electronic means using
5 the contact information provided to the comptroller by the
6 corporation as shown in the records of the comptroller if the notice
7 is sent to the corporation by electronic means.

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 61 passed the Senate on March 21, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 61 passed the House, with amendment, on May 17, 2023, by the following vote: Yeas 143, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor