

By: Puente

H.B. No. 990

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from the sales and use tax for certain books sold at a school book sale.

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

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.3205 to read as follows:

Sec. 151.3205. BOOKS SOLD AT SCHOOL BOOK SALE. (a) In this section:

(1) "Institution of higher education" means:

(A) an institution of higher education as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education as defined by Section 61.003, Education Code.

(2) "Private school" means a school that:

(A) offers a general education to elementary or secondary students; and

(B) is not operated by a governmental entity.

(3) "Public school" means a public elementary or secondary school, including an open-enrollment charter school, a home-rule school district school, and a school with a campus or campus program charter.

(b) Except as provided by Subsection (c), the sale of a book is exempted from the taxes imposed by this chapter if the book is sold at a book sale sponsored by a public or private school or an

1 institution of higher education.

2 (c) This section does not apply to the sale of a book that  
3 is:

4 (1) written, designed, and produced for educational,  
5 instructional, or pedagogical purposes; and

6 (2) required for a course at the public or private  
7 school or institution of higher education.

8 SECTION 2. This Act takes effect October 1, 2003, and  
9 applies only to taxes imposed on or after that date. Taxes imposed  
10 before the effective date of this Act are governed by the law in  
11 effect on that date, and the former law is continued in effect for  
12 purposes of the liability for and collection of those taxes.