

By: Lindsay

S.B. No. 1358

A BILL TO BE ENTITLED

AN ACT

relating to the use of customs brokers to obtain a refund of sales and use taxes.

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

SECTION 1. Section 151.307(b), Tax Code, is amended to read as follows:

(b) When an exemption is claimed because tangible personal property is exported beyond the territorial limits of the United States, proof of export may be shown only by:

(1) a bill of lading issued by a licensed and certificated carrier of persons or property showing the seller as consignor, the buyer as consignee, and a delivery point outside the territorial limits of the United States;

(2) ~~[documentation—  
[ (A) provided by a United States Customs Broker licensed by the comptroller under Section 151.157,~~

~~[ (B) certifying that delivery was made to a point outside the territorial limits of the United States, and~~

~~[ (C) to which a stamp issued under Section 151.158 is affixed in the manner required by that section or Section 151.157,~~

~~[ (3) ]~~ import documents from the country of destination showing that the property was imported into a country other than the United States;

1           (3) [~~(4)~~] an original airway, ocean, or railroad bill  
2 of lading and a forwarder's receipt if an air, ocean, or rail  
3 freight forwarder takes possession of the property; or

4           (4) [~~(5)~~] any other manner provided by the comptroller  
5 for an enterprise authorized to make tax-free purchases under  
6 Section 151.156.

7           SECTION 2. Section 322.107, Tax Code, is amended to read as  
8 follows:

9           Sec. 322.107. EXEMPTION: SALES TAX ON ITEMS LEAVING  
10 ENTITY. There are exempted from the sales tax of a taxing entity  
11 the receipts of the sale of a taxable item that, under a sales  
12 contract, is shipped to a point outside the entity by means of:

- 13           (1) facilities operated by the retailer;  
14           (2) delivery by the retailer to a carrier for shipment  
15 to a consignee at that point; or  
16           (3) delivery by the retailer to a [~~customs broker or a~~]  
17 forwarding agent for shipment outside the entity.

18           SECTION 3. The following provisions of the Tax Code are  
19 repealed:

- 20           (1) Section 151.157;  
21           (2) Section 151.158;  
22           (3) Section 151.159;  
23           (4) Sections 151.307(c), (d), and (e);  
24           (5) Section 151.712; and  
25           (6) Section 151.713.

26           SECTION 4. (a) This Act takes effect October 1, 2003.

27           (b) The change in law made by this Act does not affect taxes

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1   imposed before the effective date of this Act. Taxes imposed before  
2   the effective date of this Act are governed by the law in effect  
3   when the taxes were imposed, and that law is continued in effect for  
4   purposes of the liability for and collection of those taxes.