

By: Brown of Kaufman

H.B. No. 3319

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of a fee for a currency transmission sent to a destination outside this state.

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

SECTION 1. Section 278.001, Finance Code, is amended to read as follows:

Sec. 278.001. DEFINITIONS. Except as otherwise provided by Subchapter B or D, in [In] this chapter:

(1) "Currency" has the meaning assigned by Section 153.001.

(2) "Currency transmission business" means engaging in or offering currency transmission as a service or for profit. ~~[The term does not include:~~

~~[(A) a federally insured financial institution, as defined by Section 201.101, that is organized under the laws of this state, another state, or the United States; or~~

~~[(B) a title insurance company or title insurance agent, as defined by Article 9.02, Insurance Code.]~~

(3) "Currency transmission" means receiving currency or an instrument payable in currency in order to transmit the currency or its equivalent by wire, computer modem, facsimile, physical transport, or any other means or through the use of a financial intermediary, the Federal Reserve System, or another funds transfer network.

1 (4) "Fee" does not include revenue that a currency
2 transmission business generates in connection with a currency
3 transmission in the conversion of a currency of one government into
4 the currency of another government.

5 SECTION 2. Subchapter B, Chapter 278, Finance Code, is
6 amended by adding Section 278.054 to read as follows:

7 Sec. 278.054. APPLICABILITY. For purposes of this
8 subchapter, "currency transmission business" does not include:

9 (1) a federally insured financial institution, as
10 defined by Section 201.101, that is organized under the laws of this
11 state, another state, or the United States; or

12 (2) a title insurance company or title insurance
13 agent, as defined by Article 9.02, Insurance Code.

14 SECTION 3. Section 278.101(a), Finance Code, is amended to
15 read as follows:

16 (a) A person who knowingly violates Subchapter B [~~this~~
17 ~~chapter~~] is liable to the state for a civil penalty in an amount not
18 to exceed \$1,000 for each violation. The attorney general or the
19 prosecuting attorney in the county in which the violation occurs
20 may bring:

21 (1) a suit to recover the civil penalty imposed under
22 this section; and

23 (2) an action in the name of the state to restrain or
24 enjoin a person from violating Subchapter B [~~this chapter~~].

25 SECTION 4. Chapter 278, Finance Code, is amended by adding
26 Subchapter D to read as follows:

1 SUBCHAPTER D. CURRENCY TRANSMISSION FEE

2 Sec. 278.151. DEFINITIONS. In this subchapter:

3 (1) "Currency transmission" has the meaning assigned
4 by Section 153.001.

5 (2) "Currency transmission business" means a person
6 engaging in currency transmission as a service or for profit.

7 Sec. 278.152. FEE ON CERTAIN CURRENCY TRANSMISSIONS. (a) A
8 person that engages in currency transmission must impose a fee on
9 currency transmission destined from this state to a destination
10 outside this state. The amount of the fee is one percent of the
11 total amount sent by currency transmission to a destination outside
12 this state.

13 (b) A currency transmission business shall remit the fee
14 imposed by this section to the comptroller each quarter in the
15 manner prescribed by the comptroller for deposit to the credit of
16 the indigent health care support account under Section 64.002,
17 Health and Safety Code.

18 (c) The comptroller shall adopt any necessary rules for the
19 administration, payment, collection, and enforcement of the fee
20 imposed by this section.

21 SECTION 5. Chapter 64, Health and Safety Code, is amended by
22 adding Section 64.002 to read as follows:

23 Sec. 64.002. INDIGENT HEALTH CARE SUPPORT ACCOUNT. The
24 indigent health care support account is an account in the general
25 revenue fund. Money in the account may be appropriated only to the
26 Health and Human Services Commission to provide funding for
27 indigent health care and other health care services to needy

1 residents of this state.

2 SECTION 6. The fees imposed under Subchapter D, Chapter
3 278, Finance Code, as added by this Act, apply only to currency
4 transmissions that occur on or after October 1, 2005.

5 SECTION 7. Not later than October 1, 2005, the comptroller
6 shall adopt rules as necessary to implement Subchapter D, Finance
7 Code, as added by this Act.

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.