

AN ACT

relating to use of certain information relating to tax audits;  
providing penalties.

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

SECTION 1. Subchapter A, Chapter 111, Tax Code, is amended  
by adding Section 111.0075 to read as follows:

Sec. 111.0075. USE OF INFORMATION RELATING TO TAX AUDITS.

(a) This section applies to information that:

(1) relates to a taxpayer that the comptroller is  
auditing or intends to audit;

(2) is considered public information under Chapter  
552, Government Code; and

(3) is made available by the comptroller to a person  
who requested that information under Chapter 552, Government Code.

(b) A person who obtains information described by  
Subsection (a) and who is not a taxpayer to whom the information  
relates may not, before the sixth day after the date the comptroller  
made the information available to the person, use the information  
for the direct solicitation of business or employment for pecuniary  
gain.

(c) If a direct solicitation of business or employment for  
pecuniary gain is made by mail or by delivery by common or contract  
carrier, the postmark or the receipt mark of the common or contract  
carrier is prima facie evidence of the date the information was used

1 for that solicitation.

2 (d) A person who violates this section is subject to a civil  
3 penalty of not more than:

4 (1) \$500 for the first violation;

5 (2) \$1,000 for the second violation; and

6 (3) \$3,000 for each subsequent violation.

7 (e) At the request of the comptroller or the person to whom  
8 the solicitation was directed, the attorney general or the  
9 appropriate district or county attorney may institute and conduct a  
10 suit to collect the penalty authorized by this section and to  
11 restrain the person from continuing to violate this section.

12 (f) The penalty prescribed by this section is in addition to  
13 any other penalty provided by law.

14 SECTION 2. This Act applies only to a request for  
15 information under Chapter 552, Government Code, received by the  
16 comptroller of public accounts on or after the effective date of  
17 this Act. A request for information received before the effective  
18 date of this Act is governed by the law in effect on the date the  
19 request was received, and that law is continued in effect for that  
20 purpose.

21 SECTION 3. This Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 263 passed the Senate on April 18, 2005, by the following vote: Yeas 29, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 263 passed the House on May 25, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor