

By: Williams

S.B. No. 263

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

8 (a) This section applies to information that:

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

11 (2) is considered public information under Chapter
12 552, Government Code; and

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

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

21 (c) If a direct solicitation of business or employment for
22 pecuniary gain is made by mail or by delivery by common or contract
23 carrier, the postmark or the receipt mark of the common or contract
24 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 on or after the effective date of this Act. A request
17 for information received before the effective date of this Act is
18 governed by the law in effect on the date the request was received,
19 and that law is continued in effect for that purpose.

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