

1-1 By: Williams S.B. No. 263  
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,  
1-3 read first time and referred to Committee on Finance;  
1-4 April 12, 2005, reported favorably by the following vote: Yeas 10,  
1-5 Nays 0; April 12, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to use of certain information relating to tax audits;  
1-9 providing penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 111, Tax Code, is amended  
1-12 by adding Section 111.0075 to read as follows:

1-13 Sec. 111.0075. USE OF INFORMATION RELATING TO TAX AUDITS.

1-14 (a) This section applies to information that:

1-15 (1) relates to a taxpayer that the comptroller is  
1-16 auditing or intends to audit;

1-17 (2) is considered public information under Chapter  
1-18 552, Government Code; and

1-19 (3) is made available by the comptroller to a person  
1-20 who requested that information under Chapter 552, Government Code.

1-21 (b) A person who obtains information described by  
1-22 Subsection (a) and who is not a taxpayer to whom the information  
1-23 relates may not, before the sixth day after the date the comptroller  
1-24 made the information available to the person, use the information  
1-25 for the direct solicitation of business or employment for pecuniary  
1-26 gain.

1-27 (c) If a direct solicitation of business or employment for  
1-28 pecuniary gain is made by mail or by delivery by common or contract  
1-29 carrier, the postmark or the receipt mark of the common or contract  
1-30 carrier is prima facie evidence of the date the information was used  
1-31 for that solicitation.

1-32 (d) A person who violates this section is subject to a civil  
1-33 penalty of not more than:

1-34 (1) \$500 for the first violation;

1-35 (2) \$1,000 for the second violation; and

1-36 (3) \$3,000 for each subsequent violation.

1-37 (e) At the request of the comptroller or the person to whom  
1-38 the solicitation was directed, the attorney general or the  
1-39 appropriate district or county attorney may institute and conduct a  
1-40 suit to collect the penalty authorized by this section and to  
1-41 restrain the person from continuing to violate this section.

1-42 (f) The penalty prescribed by this section is in addition to  
1-43 any other penalty provided by law.

1-44 SECTION 2. This Act applies only to a request for  
1-45 information under Chapter 552, Government Code, received by the  
1-46 comptroller of public accounts on or after the effective date of  
1-47 this Act. A request for information received before the effective  
1-48 date of this Act is governed by the law in effect on the date the  
1-49 request was received, and that law is continued in effect for that  
1-50 purpose.

1-51 SECTION 3. This Act takes effect September 1, 2005.

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