

By: Averitt

S.B. No. 804

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the liability of license deputies for sales money held
3 in trust for the Parks and Wildlife Department.

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

5 SECTION 1. Subchapter H, Chapter 12, Parks and Wildlife
6 Code, is amended by adding Section 12.708 to read as follows:

7 Sec. 12.708. LIABILITY OF LICENSE DEPUTY FOR SALES. (a)
8 This section applies to the sale of a license, stamp, permit, or tag
9 generated by a license deputy or by an employee or agent of a
10 license deputy.

11 (b) A license deputy holds in trust for the benefit of the
12 state money that the license deputy receives from the sale of a
13 license, stamp, permit, or tag, minus the amount of the authorized
14 sales commission, until that money is transferred to the state
15 treasury for credit to the appropriate department account. The
16 license deputy is liable to the department for the full amount of
17 money held in trust. If the license deputy is not an individual,
18 each officer, director, or owner of the license deputy is
19 personally liable to the department for the full amount of money
20 held in trust.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.