

Amend CSHB 13 (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Subtitle Z, Title 3, Finance Code, is amended by adding Chapter 279 to read as follows:

CHAPTER 279. MONEY TRANSMISSION FEE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 279.001. DEFINITIONS. In this chapter:

(1) "Money" or "monetary value" has the meaning assigned by Section 151.301.

(2) "Money transmission" means receiving money or monetary value to transmit the money or monetary value by wire, computer modem, facsimile, or other electronic means or through the use of a financial institution, a financial intermediary, the federal reserve system, or another funds transfer network.

(3) "Money transmission business" means a person engaging in money transmission as a service or for profit.

[Sections 279.002-279.050 reserved for expansion]

SUBCHAPTER B. FEE ON CERTAIN MONEY TRANSMISSIONS

Sec. 279.051. FEE ON TRANSMISSIONS. (a) A money transmission business shall charge a fee on a money transmission of \$5,000 or less. The amount of the fee is five percent of the total amount sent by the money transmission, not to exceed \$100.

(b) The money transmission business shall:

(1) collect the fee from the person directing or requesting the business to make the transmission; and

(2) remit the fee to the comptroller at the times and in the manner prescribed by the comptroller.

(c) The comptroller shall deposit the revenue received under this section to the credit of the border security account. The border security account is an account in the general revenue fund. Money in the account may be appropriated only to the governor's office for programs and initiatives to secure this state's international border.

Sec. 279.052. REFUND OF FEE. (a) A person is entitled to apply to the comptroller for a refund of a fee charged under Section 279.051.

(b) The application for the refund must:

(1) be made in the manner provided for a claim for refund under Chapter 111, Tax Code, and on the form prescribed by the comptroller;

(2) have attached a fee receipt issued by the money transmission business showing full payment by the applicant of the fee for which the refund is sought;

(3) be filed not later than the 90th day after the date the fee for which the refund is sought is paid;

(4) include the documentation required by Subsection (c) or a copy of a letter of qualification and the statement described by Section 279.053; and

(5) contain a statement signed by the applicant that the applicant either is a United States citizen or is not a United States citizen but is lawfully present in the United States.

(c) Except as provided by Section 279.053, a person must submit at least two of the following documents with an application for a refund under this section:

(1) a certified copy of the person's birth certificate indicating the person was born in this state;

(2) a certified copy of a government document issued by this state to the person;

(3) a copy of a current driver's license or personal identification card issued to the person by the Department of Public Safety; or

(4) a copy of the person's social security card.

Sec. 279.053. LETTER OF QUALIFICATION. On receipt of an application for an initial refund under Section 279.052, the comptroller shall determine whether the applicant is eligible for and has satisfied all requirements for receipt of the refund. If the comptroller makes that determination, the comptroller shall, before paying the refund, promptly issue to the applicant a letter of qualification stating that the person has fully satisfied all requirements for receipt of a refund under this section. For any subsequent application for a refund filed under Section 279.052, the applicant, in lieu of submitting the documentation required by Section 279.052(c), may submit to the comptroller a copy of the

letter of qualification and a statement that information contained in the documentation the applicant submitted under Section 279.052(c) for receipt of an initial refund has not changed in any material respect.

Sec. 279.054. RULES. The comptroller shall adopt any necessary rules for the imposition, administration, payment, collection, enforcement, and refund of the fee imposed by Section 279.051.

SECTION \_\_\_\_\_. The fees imposed under Subchapter B, Chapter 279, Finance Code, as added by this Act, apply only to money transmissions that occur on or after October 1, 2007.

SECTION \_\_\_\_\_. Not later than October 1, 2007, the comptroller shall adopt rules as necessary to implement Chapter 279, Finance Code, as added by this Act.