

By: Berman

H.B. No. 29

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of a fee for money transmissions sent to certain destinations outside the United States.

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

SECTION 1. 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 transmission" has the meaning assigned by Section 151.301.

(2) "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 TO CERTAIN FOREIGN DESTINATIONS. (a) A money transmission business shall charge a fee on a money transmission that originates in this state and is transmitted to a destination in Mexico or in Central or South America. The amount of the fee is eight percent of the total amount sent by the money transmission.

(b) The money transmission business shall:

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

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

3 (c) The comptroller shall deposit the net revenue received
4 under this section to the credit of the indigent health care support
5 account under Section 64.002, Health and Safety Code.

6 Sec. 279.052. REFUND OF FEE. (a) A United States citizen
7 or another person who is lawfully present in the United States is
8 entitled to apply to the comptroller for a refund of a fee charged
9 under Section 279.051.

10 (b) The application for the refund must:

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

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

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

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

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

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

1 (1) a certified copy of the person's birth certificate
2 indicating that the person is a United States citizen;

3 (2) a certified copy of a document issued by the United
4 States government indicating that the person:

5 (A) is a United States citizen; or

6 (B) is not a United States citizen but is
7 lawfully present in the United States;

8 (3) a copy of a current driver's license or personal
9 identification card issued to the person by the Department of
10 Public Safety or a similar document issued to the person by an
11 agency of another state; or

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

13 Sec. 279.053. LETTER OF QUALIFICATION. On receipt of an
14 application for an initial refund under Section 279.052, the
15 comptroller shall determine whether the applicant is eligible for
16 and has satisfied all requirements for receipt of the refund. If
17 the comptroller makes that determination, the comptroller shall,
18 before paying the refund, promptly issue to the applicant a letter
19 of qualification stating that the person has fully satisfied all
20 requirements for receipt of a refund under this section. For any
21 subsequent application for a refund filed under Section 279.052,
22 the applicant, in lieu of submitting the documentation required by
23 Section 279.052(c), may submit to the comptroller a copy of the
24 letter of qualification and a statement that information contained
25 in the documentation the applicant submitted under Section
26 279.052(c) for receipt of an initial refund has not changed in any
27 material respect.

1 Sec. 279.054. RULES. The comptroller shall adopt any
2 necessary rules for the imposition, administration, payment,
3 collection, enforcement, and refund of the fee imposed by Section
4 279.051.

5 SECTION 2. Chapter 64, Health and Safety Code, is amended by
6 adding Section 64.002 to read as follows:

7 Sec. 64.002. INDIGENT HEALTH CARE SUPPORT ACCOUNT. The
8 indigent health care support account is an account in the general
9 revenue fund. Money in the account may be appropriated only to the
10 Health and Human Services Commission to provide funding for
11 indigent health care and other health care services to needy
12 residents of this state.

13 SECTION 3. The fees imposed under Subchapter B, Chapter
14 279, Finance Code, as added by this Act, apply only to money
15 transmissions that occur on or after October 1, 2007.

16 SECTION 4. Not later than October 1, 2007, the comptroller
17 shall adopt rules as necessary to implement Chapter 279, Finance
18 Code, as added by this Act.

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2007.