

By: Rodriguez, Peña

H.B. No. 236

Substitute the following for H.B. No. 236:

By: Howard of Fort Bend

C.S.H.B. No. 236

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the procedures to obtain an exemption from the motor
3 vehicle sales tax for motor vehicles driven by persons who have
4 orthopedic handicaps.

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

6 SECTION 1. Section 152.086, Tax Code, is amended by adding
7 Subsections (b-1) and (b-2) to read as follows:

8 (b-1) The seller of a motor vehicle may not collect the tax
9 from the purchaser of the motor vehicle if the purchaser:

10 (1) signs at the time of the purchase an exemption
11 certificate that:

12 (A) is on a form designated by the comptroller;
13 and

14 (B) contains all information the comptroller
15 considers reasonable to establish qualification for the exemption
16 at the time of sale; and

17 (2) presents any other documentation or information
18 the comptroller requires by rule.

19 (b-2) Notwithstanding any other provision of this section
20 or other law, the seller of a motor vehicle may rely on a properly
21 executed and signed exemption certificate under Subsection (b-1)
22 and does not have a duty to investigate the propriety of an
23 exemption certificate that is valid on the certificate's face. A
24 seller who relies on an exemption certificate as provided by this

1 subsection is not liable for the payment of motor vehicle sales
2 taxes that would otherwise be due as a result of a motor vehicle
3 sale.

4 SECTION 2. Not later than December 1, 2009, the comptroller
5 of public accounts shall:

6 (1) adopt any rules necessary to implement the changes
7 in law made by this Act; and

8 (2) designate the form required by Section
9 152.086(b-1)(1)(A), Tax Code, as added by this Act, and make the
10 form available to motor vehicle dealers and the public.

11 SECTION 3. The changes in law made by this Act apply to the
12 sale of a motor vehicle on or after January 1, 2010. A sale of a
13 motor vehicle that occurs before that date is governed by the law in
14 effect on the date the sale occurred, and that law is continued in
15 effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2009.