

By: Berman

H.B. No. 263

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" 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.

(3) "Money transmission business" means a person engaging in money transmission as a service or for profit. The term does not include a federally insured financial institution, as defined by Section 201.101.

[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

1 America for a personal, family, or household purpose. The amount of
2 the fee is eight percent of the total amount sent by the money
3 transmission.

4 (b) The money transmission business shall:

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

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

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

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

16 (b) The application for the refund must:

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

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

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

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

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

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

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

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

11 (A) is a United States citizen; or

12 (B) is not a United States citizen but is
13 lawfully present in the United States;

14 (3) a copy of a current driver's license or personal
15 identification card issued to the person by the Department of
16 Public Safety or a similar document issued to the person by an
17 agency of another state; or

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

19 Sec. 279.053. LETTER OF QUALIFICATION. On receipt of an
20 application for an initial refund under Section 279.052, the
21 comptroller shall determine whether the applicant is eligible for
22 and has satisfied all requirements for receipt of the refund. If
23 the comptroller makes that determination, the comptroller shall,
24 before paying the refund, promptly issue to the applicant a letter
25 of qualification stating that the person has fully satisfied all
26 requirements for receipt of a refund under this section. For any
27 subsequent application for a refund filed under Section 279.052,

1 the applicant, in lieu of submitting the documentation required by
2 Section 279.052(c), may submit to the comptroller a copy of the
3 letter of qualification and a statement that information contained
4 in the documentation the applicant submitted under Section
5 279.052(c) for receipt of an initial refund has not changed in any
6 material respect.

7 Sec. 279.054. RULES. The comptroller shall adopt any
8 necessary rules for the imposition, administration, payment,
9 collection, enforcement, and refund of the fee imposed by Section
10 279.051.

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

13 Sec. 64.002. INDIGENT HEALTH CARE SUPPORT ACCOUNT. The
14 indigent health care support account is an account in the general
15 revenue fund. Money in the account may be appropriated only to the
16 Health and Human Services Commission to provide funding for
17 indigent health care and other health care services to needy
18 residents of this state.

19 SECTION 3. The fees imposed under Subchapter B, Chapter
20 279, Finance Code, as added by this Act, apply only to money
21 transmissions that occur on or after October 1, 2009.

22 SECTION 4. Not later than October 1, 2009, the comptroller
23 shall adopt rules as necessary to implement Chapter 279, Finance
24 Code, as added by this Act.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.