

1-1 By: Watson S.B. No. 1265  
1-2 (In the Senate - Filed March 3, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Finance; April 24, 2009,  
1-4 reported favorably by the following vote: Yeas 10, Nays 0;  
1-5 April 24, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to obtaining an exemption from the motor vehicle sales tax  
1-9 for motor vehicles driven by persons who have orthopedic handicaps.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 152.086, Tax Code, is amended by adding  
1-12 Subsections (b-1) and (d) to read as follows:

1-13 (b-1) The seller of a motor vehicle may not collect the tax  
1-14 from the purchaser of the motor vehicle if the purchaser:

1-15 (1) signs at the time of the purchase an exemption  
1-16 certificate that:

1-17 (A) is on a form designated by the comptroller;  
1-18 and

1-19 (B) contains all information the comptroller  
1-20 considers reasonable to establish qualification for the exemption  
1-21 at the time of sale; and

1-22 (2) presents any other documentation or information  
1-23 the comptroller requires by rule.

1-24 (d) Notwithstanding any other provision of this section or of  
1-25 other law, a seller may rely on a properly executed and signed  
1-26 exemption certificate as provided by this section and is under no  
1-27 duty to investigate the propriety of a certificate that is valid on  
1-28 its face. A seller who relies on a properly executed and signed  
1-29 exemption certificate as provided by this section is not liable for  
1-30 motor vehicle sales tax that would otherwise be due as a result of a  
1-31 motor vehicle sale.

1-32 SECTION 2. Not later than December 1, 2009, the comptroller  
1-33 of public accounts shall:

1-34 (1) adopt any rules necessary to implement the changes  
1-35 in law made by this Act; and

1-36 (2) designate the form required by Paragraph (A),  
1-37 Subdivision (1), Subsection (b-1), Section 152.086, Tax Code, as  
1-38 added by this Act, and make the form available to motor vehicle  
1-39 dealers and the public.

1-40 SECTION 3. The changes in law made by this Act apply to the  
1-41 sale of a motor vehicle on or after January 1, 2010. A sale of a  
1-42 motor vehicle that occurs before that date is governed by the law in  
1-43 effect on the date the sale occurred, and that law is continued in  
1-44 effect for that purpose.

1-45 SECTION 4. This Act takes effect September 1, 2009.

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