

By: J. Davis of Harris

H.B. No. 2187

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of and a limitation on the sales tax
3 imposed on certain vessels.

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

5 SECTION 1. Section 31.006(a), Parks and Wildlife Code, is
6 amended to read as follows:

7 (a) The department may authorize a dealer who holds a
8 dealer's or manufacturer's number to act as the agent of the
9 department under Subchapter B of this chapter and under Chapter
10 160, Tax Code, for the issuance of certificates of number and the
11 collection of fees and taxes for vessels [~~boats~~] sold by that
12 dealer.

13 SECTION 2. Section 160.001(2), Tax Code, is amended to read
14 as follows:

15 (2) "Boat" means:

16 (A) a boat as defined [~~has the meaning assigned~~]
17 by Section 31.003, Parks and Wildlife Code; or

18 (B) a vessel not used for commercial shipping.

19 SECTION 3. Subchapter B, Chapter 160, Tax Code, is amended
20 by adding Sections 160.0246 and 160.026 to read as follows:

21 Sec. 160.0246. EXEMPTION FOR REPAIRS AND MODIFICATIONS.

22 (a) The taxes imposed by this chapter do not apply to the sale of a
23 taxable boat or motor if:

24 (1) the boat or motor is sold in this state for use in

1 another state or nation and is removed from this state not more than
2 10 days after the date of purchase; or

3 (2) the boat or motor:

4 (A) is sold in this state for use in another state
5 or nation;

6 (B) not later than the 10th day after the date the
7 boat or motor is purchased, is docked at or placed in a boat repair
8 facility registered with the comptroller for repairs or
9 modifications;

10 (C) is not used by a person while it is being
11 repaired or modified, except as necessary to test the repairs or
12 modifications; and

13 (D) is removed from this state not more than 20
14 days after the date the repairs or modifications are finished.

15 (b) The comptroller shall adopt rules and procedures to
16 implement this section.

17 Sec. 160.026. LIMITATION ON AMOUNT OF TAX. Notwithstanding
18 any other law, the tax imposed under Section 160.021 on the sale of
19 a taxable boat or motor may not exceed \$15,625.

20 SECTION 4. The change in law made by this Act does not
21 affect tax liability accruing before the effective date of this
22 Act. That liability continues in effect as if this Act had not been
23 enacted, and the former law is continued in effect for the
24 collection of taxes due and for civil and criminal enforcement of
25 the liability for those taxes.

26 SECTION 5. This Act takes effect September 1, 2011.