

By: Ritter

H.B. No. 3182

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the imposition of state taxes, including the sales and
3 use, motor vehicle sales and use, and hotel occupancy tax, on
4 certain oilfield portable units.

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

6 SECTION 1. Section 151.308(a), Tax Code, is amended to read
7 as follows:

8 (a) The following are exempted from the taxes imposed by
9 this chapter:

- 10 (1) oil as taxed by Chapter 202;
- 11 (2) sulphur as taxed by Chapter 203;
- 12 (3) motor fuels and special fuels as defined, taxed,
13 or exempted by Chapter 162;
- 14 (4) cement as taxed by Chapter 181;
- 15 (5) motor vehicles, trailers, and semitrailers as
16 defined, taxed, or exempted by Chapter 152, other than a mobile
17 office or an oilfield portable unit, as those terms are defined by
18 Section 152.001 [~~152.001(16)~~];
- 19 (6) mixed beverages, ice, or nonalcoholic beverages
20 and the preparation or service of these items if the receipts are
21 taxable by Chapter 183;
- 22 (7) alcoholic beverages when sold to the holder of a
23 private club registration permit or to the agent or employee of the
24 holder of a private club registration permit if the holder or agent

1 or employee is acting as the agent of the members of the club and if
2 the beverages are to be served on the premises of the club;

3 (8) oil well service as taxed by Subchapter E, Chapter
4 191; and

5 (9) insurance premiums subject to gross premiums
6 taxes.

7 SECTION 2. Section 152.001, Tax Code, is amended by
8 amending Subdivision (4) and adding Subdivision (20) to read as
9 follows:

10 (4) "Motor Vehicle" does not include:

11 (A) a device moved only by human power;

12 (B) a device used exclusively on stationary rails
13 or tracks;

14 (C) road-building machinery;

15 (D) a mobile office;

16 (E) a vehicle with respect to which the
17 certificate of title has been surrendered in exchange for:

18 (i) a salvage vehicle title issued pursuant
19 to Chapter 501, Transportation Code;

20 (ii) a certificate of authority issued
21 pursuant to Chapter 683, Transportation Code;

22 (iii) a nonrepairable vehicle title issued
23 pursuant to Chapter 501, Transportation Code;

24 (iv) an ownership document issued by
25 another state if the document is comparable to a document issued
26 pursuant to Subparagraph (i), (ii), or (iii); ~~or~~

27 (F) a vehicle that has been declared a total loss

1 by an insurance company pursuant to the settlement or adjustment of
2 a claim; or

3 (G) an oilfield portable unit.

4 (20) "Oilfield portable unit" means a bunkhouse,
5 manufactured home, trailer, or semitrailer that:

6 (A) is not a travel trailer, as defined by
7 Section 502.166(e), Transportation Code;

8 (B) is designed to be used for temporary lodging
9 or as temporary office space;

10 (C) is used exclusively at any oil, gas, water
11 disposal, or injection well site to provide to well site employees,
12 contractors, or other workers sleeping accommodations or temporary
13 work space, including office space; and

14 (D) does not require attachment to a foundation
15 or to real property to be functional.

16 SECTION 3. Section 156.001, Tax Code, is amended to read as
17 follows:

18 Sec. 156.001. DEFINITION. In this chapter, "hotel" means a
19 building in which members of the public obtain sleeping
20 accommodations for consideration. The term includes a hotel,
21 motel, tourist home, tourist house, tourist court, lodging house,
22 inn, rooming house, or bed and breakfast. The term does not
23 include:

24 (1) a hospital, sanitarium, or nursing home; [~~or~~]

25 (2) a dormitory or other housing facility owned or
26 leased and operated by an institution of higher education or a
27 private or independent institution of higher education as those

1 terms are defined by Section 61.003, Education Code, used by the
2 institution for the purpose of providing sleeping accommodations
3 for persons engaged in an educational program or activity at the
4 institution; or

5 (3) an oilfield portable unit, as defined by Section
6 152.001.

7 SECTION 4. The change in law made by this Act does not
8 affect tax liability accruing before the effective date of this
9 Act. That liability continues in effect as if this Act had not been
10 enacted, and the former law is continued in effect for the
11 collection of taxes due and for civil and criminal enforcement of
12 the liability for those taxes.

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