

By: Dutton

H.B. No. 3672

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring the comptroller to provide notice to a person
3 who will be regarded as a retailer or seller for purposes of sales
4 and use tax.

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

6 SECTION 1. Section 151.024, Tax Code, is amended to read as
7 follows:

8 Sec. 151.024. PERSONS WHO MAY BE REGARDED AS RETAILERS. (a)
9 If the comptroller determines that it is necessary for the
10 efficient administration of this chapter to regard a salesman,
11 representative, peddler, or canvasser as the agent of a dealer,
12 distributor, supervisor, or employer under whom he operates or from
13 whom he obtains the tangible personal property that he sells,
14 whether or not the sale is made in his own behalf or for the dealer,
15 distributor, supervisor, or employer, the comptroller may so regard
16 the salesman, representative, peddler, or canvasser, and may regard
17 the dealer, distributor, supervisor, or employer as a retailer or
18 seller for the purpose of this chapter.

19 (b) The comptroller may regard a salesman,
20 representative, peddler, or canvasser as the agent of a dealer,
21 distributor, supervisor, or employer under Subsection (a) of this
22 section only after providing written notice to the dealer,
23 distributor, supervisor, or employer at least 90 days before the
24 first day of the first calendar month or calendar quarter for which

1 the comptroller will so regard a salesman, representative, peddler,
2 or canvasser. Notice under this section shall be mailed to the
3 dealer, distributor, supervisor, or employer at the address shown
4 in the comptroller's records.

5 (c) Subsection (b) does not apply to a salesman,
6 representative, peddler, or canvasser who is the agent in fact of a
7 dealer, distributor, supervisor, or employer. A person is the
8 agent in fact of a dealer, distributor, supervisor, or employer if
9 the dealer, distributor, supervisor, or employer has authorized the
10 person to act on behalf of and to bind the dealer, distributor,
11 supervisor, or employer.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2011.