

By: Pitts

H.B. No. 3772

A BILL TO BE ENTITLED

AN ACT

relating to tax records.

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

SECTION 1. Section 2153.201(b), Occupations Code, is amended to read as follows:

(b) A record required under Subsection (a) must:

(1) be available at all times for inspection by the attorney general, the comptroller, or an authorized representative of the attorney general or comptroller for at least four years and as otherwise required by Section 111.0041, Tax Code;

(2) include information relating to:

(A) the kind of each machine;

(B) the date each machine is:

(i) acquired or received in this state; and

(ii) placed in operation;

(C) the location of each machine, including the:

(i) county;

(ii) municipality, if any; and

(iii) street or rural route number;

(D) the name and complete address of each operator of each machine;

(E) if the owner is an individual, the full name and address of the owner; and

(F) if the owner is not an individual, the name

1 and address of each principal officer or member of the owner; and

2 (3) be maintained[+]

3 [~~(A)~~] at a permanent address in this state
4 designated on the application for a license under Section
5 2153.153.[+ and

6 [~~(B) until the second anniversary of the date the
7 owner ceases ownership of the machine that is the subject of the
8 record.~~]

9 SECTION 2. Section 111.0041, Tax Code, is amended by
10 amending Subsections (a) and (b) and adding Subsection (c) to read
11 as follows:

12 (a) Any taxpayer who is required by this title to keep
13 records shall keep those records open to inspection by the
14 comptroller, the attorney general, or the authorized
15 representatives of either of them for at least four years and
16 throughout any period when either:

17 (1) any tax, penalty or interest may be assessed,
18 collected, or refunded by the comptroller; or

19 (2) an administrative hearing is pending before the
20 comptroller or a judicial proceeding is pending to determine the
21 amount of the tax, penalty or interest that is to be assessed,
22 collected or refunded.

23 (b) A taxpayer shall produce contemporaneous records and
24 supporting documentation appropriate to the tax or fee for the time
25 period in question to substantiate and enable verification of the
26 taxpayer's claim related to the amount of tax, penalty or interest
27 to be assessed, collected or refunded in any administrative or

1 judicial proceeding. Contemporaneous records and supporting
2 documentation appropriate to the tax or fee include, but are not
3 limited to invoices, vouchers, checks, shipping records, contracts
4 and other written documentation reflecting legal relationships,
5 tax collected or tax paid. Summary records submitted by the
6 taxpayer, including accounting journals and ledgers, without
7 supporting contemporaneous records and supporting documentation
8 for the time period in question are insufficient to substantiate
9 and enable verification of the taxpayer's claim regarding the
10 amount of tax, penalty or interest that may be assessed, collected
11 or refunded.

12 (c) This section prevails over any other conflicting
13 provision of this title.

14 SECTION 3. Section 112.052, Tax Code, is amended by adding a
15 new Subsection (d) to read as follows:

16 (d) A taxpayer shall produce contemporaneous records and
17 supporting documentation appropriate to the tax or fee for the time
18 period in question to substantiate and enable verification of a
19 taxpayer's claim relating to the amount of the tax, penalty or
20 interest that is to be assessed, collected or refunded, as required
21 by Section 111.0041, Tax Code.

22 SECTION 4. Section 112.151, Tax Code, is amended by adding a
23 new Subsection (g) to read as follows:

24 (g) A taxpayer shall produce contemporaneous records and
25 supporting documentation appropriate to the tax or fee for the time
26 period in question to substantiate and enable verification of a
27 taxpayer's claim relating to the amount of the tax, penalty or

1 interest that is to be assessed, collected or refunded, as required
2 by Section 111.0041, Tax Code.

3 SECTION 5. Section 151.025(b), Tax Code, is amended to read
4 as follows:

5 (b) Unless the comptroller authorizes its destruction in
6 writing at an earlier date, a [A] record required by Subsection (a)
7 of this section shall be kept for not less than four years from the
8 date [day] that it is made and as otherwise required by Section
9 111.0041, Tax Code [unless the comptroller authorizes its
10 destruction at an earlier date].

11 SECTION 6. Section 152.063, Tax Code, is amended by adding
12 new Subsection (h) to read as follows:

13 (h) Section 111.0041, Tax Code, applies to any person
14 required to keep records under this chapter.

15 SECTION 7. Section 152.0635, Tax Code, is amended by adding
16 new Subsection (e) to read as follows:

17 (e) Section 111.0041, Tax Code, applies to any person
18 required to keep records under this chapter.

19 SECTION 8. Section 154.209(a), Tax Code, is amended to read
20 as follows:

21 (a) Each permit holder shall keep records available for
22 inspection and copying by the comptroller and the attorney general
23 for at least four years and as otherwise required by Section
24 111.0041, Tax Code.

25 SECTION 9. Section 155.110(a), Tax Code, is amended to read
26 as follows:

27 (a) Each permit holder shall keep records available for

1 inspection and copying by the comptroller and the attorney general
2 for at least four years and as otherwise required by Section
3 111.0041, Tax Code.

4 SECTION 10. Section 160.046, Tax Code, is amended by adding
5 new Subsection (g) to read as follows:

6 (g) Any person required to keep records under this section
7 shall also keep the records as otherwise required by Section
8 111.0041, Tax Code.

9 SECTION 11. Section 162.115, Tax Code, is amended by adding
10 new Subsection (o) to read as follows:

11 (o) Any person required to keep records under this chapter
12 shall also keep the records as otherwise required by Section
13 111.0041, Tax Code.

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