

1-1 By: Carona S.B. No. 1248
 1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read
 1-3 first time and referred to Committee on Business and Commerce;
 1-4 March 28, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 28, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1248 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the documentary fee charged in connection with the sale
 1-22 of certain recreational vehicles and boats.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 345.251, Finance Code, is amended by
 1-25 amending Subsections (a), (b), and (c) and adding Subsection (e) to
 1-26 read as follows:

1-27 (a) A retail seller may charge a documentary fee for
 1-28 services rendered to, for, or on behalf of a retail buyer in
 1-29 ~~[preparing,] handling[,]~~ and processing documents relating to the
 1-30 ~~sale of[, and closing a retail installment transaction involving,]~~
 1-31 a motorcycle, motor-driven cycle, moped, all-terrain vehicle,
 1-32 boat, boat motor, boat trailer, or towable recreational vehicle.

1-33 (b) If a documentary fee is charged under this section the
 1-34 fee:

- 1-35 (1) must be charged to cash buyers and credit buyers;
- 1-36 (2) may not exceed a reasonable amount agreed to by the
 1-37 retail seller and retail buyer for the documentary services,
 1-38 subject to a reasonable maximum amount set by rule by the finance
 1-39 commission ~~[\$50]~~; and

1-40 (3) must be disclosed on the buyer's order or retail
 1-41 installment contract as a separate itemized charge.

1-42 (c) A preliminary work sheet on which a sale price is
 1-43 computed and that is shown to the retail buyer, an order from the
 1-44 buyer, or a retail installment contract must include in reasonable
 1-45 proximity to the place on the document where the documentary fee is
 1-46 disclosed:

- 1-47 (1) the amount of the fee; and
- 1-48 (2) the following notice in type that is bold-faced,
 1-49 capitalized, or underlined or otherwise conspicuously set out from
 1-50 the surrounding written material:

1-51 "A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A
 1-52 DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE
 1-53 CHARGED TO BUYERS FOR HANDLING DOCUMENTS ~~[AND~~
 1-54 ~~PERFORMING SERVICES]~~ RELATING TO THE ~~[CLOSING OF A]~~
 1-55 SALE. A DOCUMENTARY FEE MAY NOT EXCEED A REASONABLE
 1-56 AMOUNT AGREED TO BY THE PARTIES THAT IS NOT MORE THAN
 1-57 THE MAXIMUM AMOUNT ALLOWED BY THE STATE ~~[\$50]~~. THIS
 1-58 NOTICE IS REQUIRED BY LAW."

1-59 (e) The finance commission may adopt rules necessary to
 1-60 implement and enforce this section.

2-1 SECTION 2. This Act takes effect September 1, 2013.

2-2 * * * * *