

By: Estes

S.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to exempting certain amounts charged for certain cable television services from the sales and use tax.

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

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.3251 to read as follows:

Sec. 151.3251. BASIC FEE FOR CERTAIN CABLE TELEVISION SERVICES. (a) The sale, use, or other consumption in this state of cable television service that is subject to a franchise fee authorized or governed by Chapter 66, Utilities Code, or 47 U.S.C. Sections 541 and 542 is exempted from the taxes imposed by this chapter in an amount not to exceed the first \$75 of a monthly charge.

(b) The exemption provided by this section applies without regard to:

(1) whether the cable television service is bundled with another service, including any other taxable service listed in Section 151.0101(a); or

(2) the billing period used by the service provider.

(c) The exemption in this section applies to the total sales price the service provider charges for cable television service to a purchaser, without regard to whether the service provider charges one lump-sum amount or separately bills the purchaser for each user.

1 (d) The exemption in this section does not apply to the
2 taxes imposed under Chapters 321, 322, or 323.

3 SECTION 2. Section 321.208, Tax Code, is amended to read as
4 follows:

5 Sec. 321.208. STATE EXEMPTIONS APPLICABLE. The exemptions
6 provided by Subchapter H, Chapter 151, apply to the taxes
7 authorized by this chapter, except as provided by Sections
8 151.3251(d) and [Section] 151.317(b).

9 SECTION 3. Section 323.207, Tax Code, is amended to read as
10 follows:

11 Sec. 323.207. STATE EXEMPTIONS APPLICABLE. The exemptions
12 provided by Subchapter H, Chapter 151, apply to the taxes
13 authorized by this chapter, except as provided by Sections
14 151.3251(d) and [Section] 151.317(b).

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

21 SECTION 5. This Act takes effect September 1, 2013.