

By: Hernandez

H.B. No. 491

A BILL TO BE ENTITLED

AN ACT

1
2 relating to exempting textbooks purchased, used, or consumed by
3 university and college students from the sales and use tax for
4 limited periods.

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

6 SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended
7 by adding Section 151.3211 to read as follows:

8 Sec. 151.3211. TEXTBOOKS PURCHASED, USED, OR CONSUMED BY
9 UNIVERSITY AND COLLEGE STUDENTS FOR LIMITED PERIODS. (a) The
10 sale, use, or consumption of a book written, designed, and produced
11 for educational, instructional, or pedagogical purposes is
12 exempted from the taxes imposed by this chapter if:

13 (1) the book is purchased by a full-time or part-time
14 student enrolled at an institution of higher education as defined
15 by Section 61.003, Education Code, or a private or independent
16 college or university that is located in this state and that is
17 accredited by a recognized accrediting agency as defined by Section
18 61.003, Education Code; and

19 (2) the purchase takes place at or after 12:01 a.m. on
20 the first day, but at or before 12 midnight on the last day, of an
21 exemption period designated by the comptroller under Subsection
22 (b).

23 (b) The comptroller shall designate seven consecutive days
24 in January and seven consecutive days in August of each year during

1 which the exemption authorized by this section is effective. The
2 comptroller shall designate each exemption period for the time in
3 the relevant month when the greatest number of books described by
4 Subsection (a) is likely to be purchased, as determined by the
5 comptroller based on a review of the academic calendars of the
6 institutions of higher education, colleges, and universities
7 described by Subsection (a)(1). The comptroller shall designate the
8 exemption period in a manner and at a time that provides reasonable
9 notice of the exemption period to retailers and the public.

10 (c) A person may establish that the person is a full-time or
11 part-time student by presenting a valid student identification
12 card. The comptroller by rule shall prescribe the manner in which a
13 person may electronically establish, when making an online
14 purchase, that the person is a full-time or part-time student.

15 SECTION 2. The change in law made by this Act does not
16 affect taxes imposed before the effective date of this Act, and the
17 law in effect before the effective date of this Act is continued in
18 effect for purposes of the liability for and collection of those
19 taxes.

20 SECTION 3. This Act takes effect July 1, 2015, if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for effect on that
24 date, this Act takes effect October 1, 2015.