

By: Bohac, Martinez Fischer

H.B. No. 2400

Substitute the following for H.B. No. 2400:

By: Springer

C.S.H.B. No. 2400

A BILL TO BE ENTITLED

AN ACT

relating to the sale of a new motor vehicle to certain manufacturers or distributors; imposing a tax.

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

SECTION 1. Section 152.001(2), Tax Code, is amended to read as follows:

(2) "Retail sale" means a sale of a motor vehicle except:

(A) the sale of a new motor vehicle in which the purchaser is a franchised dealer who is authorized by law and by franchise agreement to offer the vehicle for sale as a new motor vehicle and who acquires the vehicle either for the exclusive purpose of sale in the manner provided by law or for purposes allowed under Chapter 503, Transportation Code;

(B) the sale of a vehicle other than a new motor vehicle in which the purchaser is a dealer who holds a dealer's general distinguishing number issued under Chapter 503, Transportation Code, and who acquires the vehicle either for the exclusive purpose of resale in the manner provided by law or for purposes allowed under Chapter 503, Transportation Code; ~~or~~

(C) the sale to a franchised dealer of a new motor vehicle removed from the franchised dealer's inventory for the purpose of entering into a contract to lease the vehicle to another person if, immediately after executing the lease contract, the

1 franchised dealer transfers title of the vehicle and assigns the  
2 lease contract to the lessor of the vehicle; or

3 (D) the sale of a new motor vehicle in which the  
4 purchaser is a manufacturer or distributor as those terms are  
5 defined by Section 2301.002, Occupations Code, who acquires the  
6 motor vehicle either for the exclusive purpose of sale in the manner  
7 provided by law or for purposes allowed under Chapter 503,  
8 Transportation Code.

9 SECTION 2. The heading to Section 152.027, Tax Code, is  
10 amended to read as follows:

11 Sec. 152.027. TAX ON METAL DEALER AND MANUFACTURER PLATES.

12 SECTION 3. Section 152.027(a), Tax Code, is amended to read  
13 as follows:

14 (a) A use tax is imposed on:

15 (1) each person [to whom is] issued a metal dealer's  
16 plate authorized by Chapter 503, Transportation Code; and

17 (2) each person issued a manufacturer's plate  
18 authorized by Chapter 503, Transportation Code.

19 SECTION 4. Section 152.042, Tax Code, is amended to read as  
20 follows:

21 Sec. 152.042. COLLECTION OF TAX ON METAL DEALER AND  
22 MANUFACTURER PLATES. A person required to pay the tax imposed by  
23 Section 152.027 shall pay the tax to the Texas Department of Motor  
24 Vehicles, and the department may not issue the metal dealer's or  
25 manufacturer's plates until the tax is paid.

26 SECTION 5. The change in law made by this Act does not  
27 affect tax liability accruing before the effective date of this

1 Act. That liability continues in effect as if this Act had not been  
2 enacted, and the former law is continued in effect for the  
3 collection of taxes due and for civil and criminal enforcement of  
4 the liability for those taxes.

5 SECTION 6. This Act takes effect September 1, 2015.