By: Kolkhorst, Creighton

## A BILL TO BE ENTITLED

S.B. No. 759

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- 2 relating to the repeal of certain state taxes.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 4 ARTICLE 1. BINGO GROSS RENTALS TAX
- 5 SECTION 1.01. Section 2001.103(d), Occupations Code, is
- 6 amended to read as follows:
- 7 (d) An organization operating under a temporary license is
- 8 subject to:
- 9 (1) the [taxes and] fees authorized or imposed by this
- 10 chapter; and
- 11 (2) the other provisions of this chapter to the extent
- 12 they can be made applicable.
- 13 SECTION 1.02. Section 2001.312, Occupations Code, is
- 14 amended to read as follows:
- 15 Sec. 2001.312. FAILURE TO FILE [TAX OR] FEE REPORTS. A
- 16 person is not eligible for a license or a license renewal unless all
- 17 required reports[, tax returns,] and requested information have
- 18 been filed under this chapter.
- 19 SECTION 1.03. Section 2001.355(b), Occupations Code, is
- 20 amended to read as follows:
- 21 (b) Before temporarily suspending a license, the director
- 22 of bingo operations must follow any prehearing rules adopted by the
- 23 commission to determine if the license holder's continued operation
- 24 may constitute:

- 1 (1) an immediate threat to the health, safety, morals,
- 2 or welfare of the public; or
- 3 (2) a financial loss to this state, which includes a
- 4 license holder's failure to remit [taxes under Section 2001.501 or]
- 5 prize fee payments under Section 2001.502 to the commission as
- 6 required by that section [those sections].
- 7 SECTION 1.04. Section 2001.437(a), Occupations Code, is
- 8 amended to read as follows:
- 9 (a) If the unit accounting agreement of a unit states that a
- 10 unit manager is responsible for compliance with commission rules
- 11 and this chapter, the unit manager is responsible for:
- 12 (1) the filing of one quarterly report for the unit on
- 13 a form prescribed by the commission; and
- 14 (2) the payment of [taxes and] fees and the
- 15 maintenance of the bingo inventory and financial records of the
- 16 unit.
- SECTION 1.05. Section 2001.438(f), Occupations Code, is
- 18 amended to read as follows:
- 19 (f) Each licensed authorized organization that is a member
- 20 of the unit shall be jointly and severally liable for:
- 21 (1) compliance with the requirements of this
- 22 subchapter and the rules of the commission relating to the filing of
- 23 required reports;
- 24 (2) the maintenance of bingo inventory and financial
- 25 records; and
- 26 (3) the payment of  $[\frac{taxes_{\tau}}{}]$  fees $[\frac{}{\tau}]$  and any penalties
- 27 imposed for a violation of this subchapter or commission rules

- 1 related to the operations of the unit.
- 2 SECTION 1.06. The heading to Subchapter K, Chapter 2001,
- 3 Occupations Code, is amended to read as follows:
- 4 SUBCHAPTER K. [TAXES AND] PRIZE FEES
- 5 SECTION 1.07. Section 2001.504, Occupations Code, is
- 6 amended to read as follows:
- 7 Sec. 2001.504. PAYMENT AND REPORTING OF [TAX OR] FEE.
- 8 (a) A [tax or] fee on prizes authorized or imposed under this
- 9 subchapter is due and is payable by the license holder or a person
- 10 conducting bingo without a license to the commission quarterly on
- 11 or before the 25th day of the month succeeding each calendar
- 12 quarter.
- 13 (b) The report of the [a tax or] fee on prizes must be filed
- 14 under oath on forms prescribed by the commission.
- 15 (c) The commission shall adopt rules for the payment of the
- 16 fee on prizes [taxes and fees].
- 17 (d) A license holder required to file a report of the fee on
- 18 prizes [tax return] shall deliver the quarterly report [return]
- 19 with the net amount of the fee [tax] due to the commission.
- 20 [(e) The commission shall deposit the revenue collected
- 21 under this section to the credit of the general revenue fund.
- 22 SECTION 1.08. Section 2001.508, Occupations Code, is
- 23 amended to read as follows:
- Sec. 2001.508. PENALTIES FOR FAILURE TO PAY OR REPORT.
- 25 (a) If a person fails to file a report of the fee on prizes
- 26 [return] as required by this chapter or fails to pay to the
- 27 commission the fee on prizes [taxes] imposed under this chapter

- 1 when the report [return] or payment is due, the person forfeits five
- 2 percent of the amount due as a penalty, and after the first 30 days,
- 3 the person forfeits an additional five percent.
- 4 (b) A delinquent payment of the fee on prizes [tax] accrues
- 5 interest at the rate provided by Section 111.060, Tax Code,
- 6 beginning on the 60th day after the due date.
- 7 SECTION 1.09. Section 2001.509, Occupations Code, is
- 8 amended to read as follows:
- 9 Sec. 2001.509. RECOMPUTATION OF PRIZE FEE [TAX]. If the
- 10 commission is not satisfied with a report of the fee on prizes [tax
- 11 return or the amount of the fee on prizes [tax] required to be
- 12 remitted under this chapter to the state by a person, the commission
- 13 may compute and determine the amount required to be paid on the
- 14 basis of:
- 15 (1) the facts contained in the report of the fee on
- 16 prizes [return] or report of receipts and expenses; or
- 17 (2) any information possessed by the commission or
- 18 that may come into the possession of the commission, without regard
- 19 to the period covered by the information.
- 20 SECTION 1.10. The heading to Section 2001.510, Occupations
- 21 Code, is amended to read as follows:
- Sec. 2001.510. DETERMINATION IF NO REPORT [RETURN] MADE.
- SECTION 1.11. Sections 2001.510(a) and (c), Occupations
- 24 Code, are amended to read as follows:
- 25 (a) If a license holder fails to make a required report of
- 26 the fee on prizes [return], or if a person conducts bingo without a
- 27 license, the commission shall make an estimate of the prizes

- 1 awarded at a bingo occasion [or of the gross rentals received by a
- 2 license holder for the rental of premises]. The commission shall
- 3 make the estimate for the period in respect to which the license
- 4 holder or other person failed to make a report [return].
- 5 (c) On the basis of the commission's estimate, the
- 6 commission shall compute and determine the amount of the fee on
- 7 prizes [taxes or fees] required to be paid to the state and shall
- 8 add to that amount a penalty of 10 percent of the amount.
- 9 SECTION 1.12. Sections 2001.511(a) and (c), Occupations
- 10 Code, are amended to read as follows:
- 11 (a) If the commission believes that the collection of  $\underline{\text{the}}$  [ $\underline{\text{a}}$
- 12 gross rental tax or ] fee on prizes, an amount of the [tax or] fee on
- 13 prizes required to be remitted to the state, or the amount of a
- 14 determination will be jeopardized by delay, the commission shall
- 15 make a determination of the  $[\frac{\text{tax or}}{\text{or}}]$  fee on prizes or amount of the
- 16 [tax or] fee required to be collected, noting the finding of
- 17 jeopardy on the determination. The determined amount is due and
- 18 payable immediately.
- 19 (c) A delinquency penalty of 10 percent of the [tax or] fee
- 20 on prizes or amount of the [tax or] fee on prizes and interest at the
- 21 rate of 10 percent a year attaches to the amount of the [tax or] fee
- 22 on prizes or the amount of the  $[\frac{\text{tax or}}{\text{or}}]$  fee on prizes required to be
- 23 collected.
- SECTION 1.13. Section 2001.512, Occupations Code, is
- 25 amended to read as follows:
- Sec. 2001.512. APPLICATION OF TAX LAWS. (a) Subtitle B,
- 27 Title 2, Tax Code, applies to the administration, collection, and

- 1 enforcement of [the gross rentals tax imposed under Section
- $2 \frac{2001.501 \text{ and}}{2001.502}$  the fee on prizes imposed under Section 2001.502
- 3 except as modified by this chapter.
- 4 (b) In applying the provisions of Subtitle B, Title 2, Tax
- 5 Code, to [the gross rentals tax imposed under Section 2001.501 and]
- 6 the fee on prizes imposed under Section 2001.502 only, the fee on
- 7 prizes is treated as if it were a tax and the powers and duties
- 8 assigned to the comptroller under that subtitle are assigned to the
- 9 commission.
- SECTION 1.14. Section 2001.513(a), Occupations Code, is
- 11 amended to read as follows:
- 12 (a) At any time within three years after a person is
- 13 delinquent in the payment of an amount of the [gross rentals tax or]
- 14 fee on prizes, the commission may collect the amount under this
- 15 section.
- 16 SECTION 1.15. Sections 2001.514(a), (c), and (d),
- 17 Occupations Code, are amended to read as follows:
- 18 (a) To secure payment of [the tax on gross rentals or] the
- 19 fee on prizes imposed under this subchapter, each license holder
- 20 shall furnish to the commission:
- 21 (1) a cash bond;
- 22 (2) a bond from a surety company chartered or
- 23 authorized to do business in this state;
- 24 (3) certificates of deposit;
- 25 (4) certificates of savings;
- 26 (5) United States treasury bonds;
- 27 (6) subject to the approval of the commission, an

- 1 assignment of negotiable stocks or bonds; or
- 2 (7) other security as the commission considers
- 3 sufficient.
- 4 (c) On a license holder's failure to pay [the gross rentals
- 5 tax or] the fee on prizes imposed under this subchapter, the
- 6 commission may notify the license holder and any surety of the
- 7 delinquency by jeopardy or deficiency determination. If payment is
- 8 not made when due, the commission may forfeit all or part of the
- 9 bond or security.
- 10 (d) If the license holder ceases to conduct bingo and
- 11 relinquishes the license holder's license, the commission shall
- 12 authorize the release of all bonds and other security on a
- 13 determination that no amounts of [the gross rentals tax or] the fee
- 14 on prizes remain due and payable under this subchapter.
- 15 SECTION 1.16. Section 2001.515, Occupations Code, is
- 16 amended to read as follows:
- 17 Sec. 2001.515. COMMISSION'S [TAX] DUTIES. The commission
- 18 shall perform all functions incident to the administration,
- 19 collection, enforcement, and operation of the fee on prizes [a tax]
- 20 imposed under this subchapter.
- 21 SECTION 1.17. Section 2001.501, Occupations Code, is
- 22 repealed.
- 23 ARTICLE 2. LIQUEFIED GAS MOTOR FUELS TAX
- SECTION 2.01. Section 105.001(a), Business & Commerce Code,
- 25 is amended by adding Subdivision (3) to read as follows:
- 26 (3) "Liquefied gas" means all combustible gases that
- 27 exist in the gaseous state at 60 degrees Fahrenheit and at a

- 1 pressure of 14.7 pounds per square inch absolute, but does not
- 2 include compressed natural gas, liquefied natural gas, gasoline, or
- 3 diesel fuel, as those terms are defined by Section 162.001, Tax
- 4 Code.
- 5 SECTION 2.02. Section 105.002(b), Business & Commerce Code,
- 6 is amended to read as follows:
- 7 (b) This chapter does not apply to:
- 8 (1) a service station or other facility that:
- 9 (A) never provides pump island service; and
- 10 (B) has only remotely controlled pumps; or
- 11 (2) a refueling service used to provide liquefied
- 12 gas[ , as defined by Section 162.001, Tax Code].
- SECTION 2.03. Subchapter H, Chapter 151, Tax Code, is
- 14 amended by adding Section 151.361 to read as follows:
- 15 Sec. 151.361. LIQUEFIED GAS USED AS MOTOR FUEL. (a) In
- 16 this section, "liquefied gas" means all combustible gases that
- 17 <u>exist in the gaseous state at 60 degrees Fahrenheit and at a</u>
- 18 pressure of 14.7 pounds per square inch absolute, but does not
- 19 include compressed natural gas, liquefied natural gas, gasoline, or
- 20 diesel fuel, as those terms are defined by Section 162.001.
- 21 (b) Liquefied gas is exempt from the taxes imposed by this
- 22 chapter if the liquefied gas is used for the propulsion of a motor
- 23 vehicle on the public highways of this state.
- SECTION 2.04. Sections 162.001(19), (29), (38), (42), and
- 25 (43), Tax Code, are amended to read as follows:
- 26 (19) "Diesel fuel" means kerosene or another liquid,
- 27 or a combination of liquids blended together, offered for sale,

- 1 sold, used, or capable of use as fuel for the propulsion of a
- 2 diesel-powered engine. The term includes products commonly
- 3 referred to as kerosene, light cycle oil, #1 diesel fuel, #2 diesel
- 4 fuel, dyed or undyed diesel fuel, aviation jet fuel, renewable
- 5 diesel, biodiesel, distillate fuel, cutter stock, or heating oil,
- 6 but does not include compressed natural gas, liquefied natural gas,
- 7 gasoline, or aviation gasoline[, or liquefied gas].
- 8 (29) "Gasoline" means any liquid or combination of
- 9 liquids blended together, offered for sale, sold, used, or capable
- 10 of use as fuel for a gasoline-powered engine. The term includes
- 11 gasohol, aviation gasoline, and blending agents, but does not
- 12 include compressed natural gas, liquefied natural gas, racing
- 13 gasoline, diesel fuel, or aviation jet fuel[, or liquefied gas].
- 14 (38) "License holder" means a person licensed by the
- 15 comptroller under Section 162.105, 162.205, [162.304, 162.305,
- 16 <del>162.306,</del>] 162.357, or 162.358.
- 17 (42) "Motor fuel" means gasoline, diesel fuel,
- 18 [liquefied gas, gasoline blended fuel, compressed natural gas,
- 19 liquefied natural gas, and other products that are offered for
- 20 sale, sold, used, or capable of use as fuel for a gasoline-powered
- 21 engine or a diesel-powered engine.
- 22 (43) "Motor fuel transporter" means a person who
- 23 transports gasoline, diesel fuel, gasoline blended fuel, aviation
- 24 fuel, or any other motor fuel, except [liquefied gas,] compressed
- 25 natural gas[ $_{7}$ ] or liquefied natural gas, outside the bulk
- 26 transfer/terminal system by means of a transport vehicle, a
- 27 railroad tank car, or a marine vessel. The term does not include a

- 1 person who:
- 2 (A) is licensed under this chapter as a supplier,
- 3 permissive supplier, or distributor; and
- 4 (B) exclusively transports gasoline, diesel
- 5 fuel, gasoline blended fuel, aviation fuel, or any other motor fuel
- 6 to which the person retains ownership while the fuel is being
- 7 transported by the person.
- 8 SECTION 2.05. Section 162.014, Tax Code, is amended to read
- 9 as follows:
- 10 Sec. 162.014. OTHER MOTOR FUEL TAXES PROHIBITED. The taxes
- 11 imposed by this chapter are in lieu of any other excise or
- 12 occupation tax imposed by a political subdivision of this state on
- 13 the sale, use, or distribution of gasoline or  $[\tau]$  diesel fuel  $[\tau]$
- 14 liquefied gas].
- 15 SECTION 2.06. Section 162.312, Tax Code, is transferred to
- 16 Subchapter D-1, Chapter 162, Tax Code, redesignated as Section
- 17 162.370, Tax Code, and amended to read as follows:
- Sec. 162.370 [<del>162.312</del>]. APPLICABILITY OF SUBCHAPTER TO
- 19 CERTAIN PUBLIC TRANSPORTATION PROVIDERS USING COMPRESSED NATURAL
- 20 GAS OR LIQUEFIED NATURAL GAS. (a) This section applies only to a
- 21 person who:
- 22 (1) operates motor vehicles used to provide the
- 23 services of a transit company, including a metropolitan rapid
- 24 transit authority under Chapter 451, Transportation Code, or a
- 25 regional transportation authority under Chapter 452,
- 26 Transportation Code; and
- 27 (2) held a liquefied gas tax decal license issued

- 1 under former Subchapter D on or before August 31, 2013.
- 2 (b) Notwithstanding the other provisions of this subchapter
- 3 [Subchapter D-1], a person to which this section applies may:
- 4 (1) pay tax as provided by <u>Subchapter D</u>, as that
- 5 subchapter existed on January 1, 2015, [this subchapter] on
- 6 compressed natural gas or liquefied natural gas delivered into the
- 7 fuel supply tank of all motor vehicles described by Subsection
- 8 (a)(1) from a refueling facility accessible only to motor vehicles
- 9 described by Subsection (a)(1); and
- 10 (2) operate those motor vehicles on the public
- 11 highways of this state using compressed natural gas or liquefied
- 12 natural gas described by Subdivision (1).
- 13 (c) This section does not apply to compressed natural gas or
- 14 liquefied natural gas delivered into the fuel supply tank of a motor
- 15 vehicle from a refueling facility accessible to motor vehicles
- 16 other than those described by Subsection (a)(1).
- (d) For purposes of this section [In this subchapter],
- 18 "liquefied gas," as that term was used in Sections 162.001,
- 19  $\underline{162.402(a)}$ , and  $\underline{162.403}$  and Subchapter D, as those provisions
- 20 <u>existed on January 1, 2015, [gas"]</u> includes compressed natural gas
- 21 and liquefied natural gas with respect to the persons to which this
- 22 section applies. The penalties provided by Sections 162.402(a) and
- 23 162.403 in connection with liquefied gas, as those sections existed
- 24 on January 1, 2015, apply to a person to which this section applies.
- 25 (e) The comptroller shall adopt rules necessary to
- 26 implement this section.
- SECTION 2.07. Section 162.402(a), Tax Code, is amended to

- 1 read as follows:
- 2 (a) A person forfeits to the state a civil penalty of not
- 3 less than \$25 and not more than \$200 if the person:
- 4 (1) refuses to stop and permit the inspection and
- 5 examination of a motor vehicle transporting or using motor fuel on
- 6 demand of a peace officer or the comptroller;
- 7 (2) operates a motor vehicle in this state without a
- 8 valid interstate trucker's license or a trip permit when the person
- 9 is required to hold one of those licenses or permits;
- 10 (3) [operates a liquefied gas-propelled motor vehicle
- 11 that is required to be licensed in this state, including motor
- 12 vehicles equipped with dual carburetion, and does not display a
- 13 current liquefied gas tax decal or multistate fuels tax agreement
- 14 decal;
- 15 [(4) makes a tax-free sale or delivery of liquefied
- 16 gas into the fuel supply tank of a motor vehicle that does not
- 17 display a current Texas liquefied gas tax decal;
- 18 [(5) makes a taxable sale or delivery of liquefied gas
- 19 without holding a valid dealer's license;
- 20 [(6) makes a tax-free sale or delivery of liquefied
- 21 gas into the fuel supply tank of a motor vehicle bearing
- 22 out-of-state license plates;
- [(7) makes a delivery of liquefied gas into the fuel
- 24 supply tank of a motor vehicle bearing Texas license plates and no
- 25 Texas liquefied gas tax decal, unless licensed under a multistate
- 26 fuels tax agreement;
- 27 [<del>(8)</del>] transports gasoline or diesel fuel in any cargo

- 1 tank that has a connection by pipe, tube, valve, or otherwise with
- 2 the fuel injector or carburetor of, or with the fuel supply tank
- 3 feeding the fuel injector or carburetor of, the motor vehicle
- 4 transporting the product;
- 5 (4)  $[\frac{(9)}{}]$  sells or delivers gasoline or diesel fuel
- 6 from any fuel supply tank connected with the fuel injector or
- 7 carburetor of a motor vehicle;
- 8 (5) (40) owns or operates a motor vehicle for which
- 9 reports or mileage records are required by this chapter without an
- 10 operating odometer or other device in good working condition to
- 11 record accurately the miles traveled;
- (6)  $[\frac{(11)}{(11)}]$  furnishes to a licensed supplier or
- 13 distributor a signed statement for purchasing diesel fuel tax-free
- 14 and then uses the tax-free diesel fuel to operate a diesel-powered
- 15 motor vehicle on a public highway;
- 16 (7) [(12)] fails or refuses to comply with or violates
- 17 a provision of this chapter;
- (8)  $[\frac{(13)}{(13)}]$  fails or refuses to comply with or violates
- 19 a comptroller's rule for administering or enforcing this chapter;
- (9)  $[\frac{(14)}{(14)}]$  is an importer who does not obtain an
- 21 import verification number when required by this chapter;
- 22 (10) [(15)] purchases motor fuel for export, on which
- 23 the tax imposed by this chapter has not been paid, and subsequently
- 24 diverts or causes the motor fuel to be diverted to a destination in
- 25 this state or any other state or country other than the originally
- 26 designated state or country without first obtaining a diversion
- 27 number;

- 1 (11) [<del>(16)</del>] delivers compressed natural gas or
- 2 liquefied natural gas into the fuel supply tank of a motor vehicle
- 3 and the person does not hold a valid compressed natural gas and
- 4 liquefied natural gas dealer's license; or
- 5 (12) [<del>(17)</del>] makes a tax-free delivery of compressed
- 6 natural gas or liquefied natural gas into the fuel supply tank of a
- 7 motor vehicle, unless the delivery is exempt from tax under Section
- 8 162.356.
- 9 SECTION 2.08. Section 162.403, Tax Code, is amended to read
- 10 as follows:
- 11 Sec. 162.403. CRIMINAL OFFENSES. Except as provided by
- 12 Section 162.404, a person commits an offense if the person:
- 13 (1) refuses to stop and permit the inspection and
- 14 examination of a motor vehicle transporting or using motor fuel on
- 15 the demand of a peace officer or the comptroller;
- 16 (2) is required to hold a valid trip permit or
- 17 interstate trucker's license, but operates a motor vehicle in this
- 18 state without a valid trip permit or interstate trucker's license;
- 19 (3) [operates a liquefied gas-propelled motor vehicle
- 20 that is required to be licensed in this state, including a motor
- 21 vehicle equipped with dual carburetion, and does not display a
- 22 current liquefied gas tax decal or multistate fuels tax agreement
- 23 decal;
- $[\frac{(4)}{(4)}]$  transports gasoline or diesel fuel in any cargo
- 25 tank that has a connection by pipe, tube, valve, or otherwise with
- 26 the fuel injector or carburetor or with the fuel supply tank feeding
- 27 the fuel injector or carburetor of the motor vehicle transporting

- 1 the product;
- (4) (4) (5) sells or delivers gasoline or diesel fuel
- 3 from a fuel supply tank that is connected with the fuel injector or
- 4 carburetor of a motor vehicle;
- (5) (6) owns or operates a motor vehicle for which
- 6 reports or mileage records are required by this chapter without an
- 7 operating odometer or other device in good working condition to
- 8 record accurately the miles traveled;
- 9 (6)  $[\frac{(7)}{(7)}]$  sells or delivers dyed diesel fuel for the
- 10 operation of a motor vehicle on a public highway;
- 11  $\underline{(7)}$  [(8)] uses dyed diesel fuel for the operation of a
- 12 motor vehicle on a public highway except as allowed under Section
- 13 162.235;
- 14 (8) [<del>(9) makes a tax-free sale or delivery of</del>
- 15 liquefied gas into the fuel supply tank of a motor vehicle that does
- 16 not display a current Texas liquefied gas tax decal;
- 17 [(10) makes a sale or delivery of liquefied gas on
- 18 which the person knows the tax is required to be collected, if at
- 19 the time the sale is made the person does not hold a valid dealer's
- 20 <del>license;</del>
- 21 [(11) makes a tax-free sale or delivery of liquefied
- 22 gas into the fuel supply tank of a motor vehicle bearing
- 23 out-of-state license plates;
- 24 [(12) makes a delivery of liquefied gas into the fuel
- 25 supply tank of a motor vehicle bearing Texas license plates and no
- 26 Texas liquefied gas tax decal, unless licensed under a multistate
- 27 fuels tax agreement;

- 1  $\left[\frac{(13)}{(13)}\right]$  refuses to permit the comptroller or the
- 2 attorney general to inspect, examine, or audit a book or record
- 3 required to be kept by a license holder, other user, or any person
- 4 required to hold a license under this chapter;
- 5 (9)  $[\frac{(14)}{}]$  refuses to permit the comptroller or the
- 6 attorney general to inspect or examine any plant, equipment,
- 7 materials, or premises where motor fuel is produced, processed,
- 8 blended, stored, sold, delivered, or used;
- 9  $\underline{(10)}$  [ $\overline{(15)}$ ] refuses to permit the comptroller, the
- 10 attorney general, an employee of either of those officials, a peace
- 11 officer, an employee of the Texas Commission on Environmental
- 12 Quality, or an employee of the Department of Agriculture to measure
- 13 or gauge the contents of or take samples from a storage tank or
- 14 container on premises where motor fuel is produced, processed,
- 15 blended, stored, sold, delivered, or used;
- 16 (11) [(16)] is a license holder, a person required to
- 17 be licensed, or another user and fails or refuses to make or deliver
- 18 to the comptroller a report required by this chapter to be made and
- 19 delivered to the comptroller;
- (12)  $[\frac{(17)}{1}]$  is an importer who does not obtain an
- 21 import verification number when required by this chapter;
- 22 (13) [(18)] purchases motor fuel for export, on which
- 23 the tax imposed by this chapter has not been paid, and subsequently
- 24 diverts or causes the motor fuel to be diverted to a destination in
- 25 this state or any other state or country other than the originally
- 26 designated state or country without first obtaining a diversion
- 27 number;

- 1 (14) (19) conceals motor fuel with the intent of
- 2 engaging in any conduct proscribed by this chapter or refuses to
- 3 make sales of motor fuel on the volume-corrected basis prescribed
- 4 by this chapter;
- 5 (15) [<del>(20)</del>] refuses, while transporting motor fuel,
- 6 to stop the motor vehicle the person is operating when called on to
- 7 do so by a person authorized to stop the motor vehicle;
- 8  $\underline{(16)}$  [(21)] refuses to surrender a motor vehicle and
- 9 cargo for impoundment after being ordered to do so by a person
- 10 authorized to impound the motor vehicle and cargo;
- 11 (17) (17) (17) mutilates, destroys, or secretes a book or
- 12 record required by this chapter to be kept by a license holder,
- 13 other user, or person required to hold a license under this chapter;
- 14 (18)  $[\frac{(23)}{}]$  is a license holder, other user, or other
- 15 person required to hold a license under this chapter, or the agent
- 16 or employee of one of those persons, and makes a false entry or
- 17 fails to make an entry in the books and records required under this
- 18 chapter to be made by the person or fails to retain a document as
- 19 required by this chapter;
- (19)  $[\frac{(24)}{}]$  transports in any manner motor fuel under
- 21 a false cargo manifest or shipping document, or transports in any
- 22 manner motor fuel to a location without delivering at the same time
- 23 a shipping document relating to that shipment;
- (20) [(25)] engages in a motor fuel transaction that
- 25 requires that the person have a license under this chapter without
- 26 then and there holding the required license;
- (21)  $\left[\frac{(26)}{}\right]$  makes and delivers to the comptroller a

- 1 report required under this chapter to be made and delivered to the
- 2 comptroller, if the report contains false information;
- 3 (22)  $\left[\frac{(27)}{}\right]$  forges, falsifies, or alters an invoice or
- 4 shipping document prescribed by law;
- 5 (23) [<del>(28)</del>] makes any statement, knowing said
- 6 statement to be false, in a claim for a tax refund filed with the
- 7 comptroller;
- 8 (24) [(29)] furnishes to a licensed supplier or
- 9 distributor a signed statement for purchasing diesel fuel tax-free
- 10 and then uses the tax-free diesel fuel to operate a diesel-powered
- 11 motor vehicle on a public highway;
- 12 (25) [<del>(30)</del>] holds an aviation fuel dealer's license
- 13 and makes a taxable sale or use of any gasoline or diesel fuel;
- 14 (26)  $[\frac{(31)}{}]$  fails to remit any tax funds collected or
- 15 required to be collected by a license holder, another user, or any
- 16 other person required to hold a license under this chapter;
- 17 (27) [(32)] makes a sale of dyed diesel fuel tax-free
- 18 into a storage facility of a person who:
- 19 (A) is not licensed as a distributor, as an
- 20 aviation fuel dealer, or as a dyed diesel fuel bonded user; or
- 21 (B) does not furnish to the licensed supplier or
- 22 distributor a signed statement prescribed in Section 162.206;
- 23 (28) [<del>(33)</del>] makes a sale of gasoline tax-free to any
- 24 person who is not licensed as an aviation fuel dealer;
- 25 (29) [<del>(34)</del>] purchases any motor fuel tax-free when not
- 26 authorized to make a tax-free purchase under this chapter;
- (30)  $[\frac{(35)}{}]$  purchases motor fuel with the intent to

- 1 evade any tax imposed by this chapter or accepts a delivery of motor
- 2 fuel by any means and does not at the same time accept or receive a
- 3 shipping document relating to the delivery;
- 4 (31) [<del>(36)</del>] transports motor fuel for which a cargo
- 5 manifest or shipping document is required to be carried without
- 6 possessing or exhibiting on demand by an officer authorized to make
- 7 the demand a cargo manifest or shipping document containing the
- 8 information required to be shown on the manifest or shipping
- 9 document;
- 10 (32)  $\left[\frac{(37)}{}\right]$  imports, sells, uses, blends,
- 11 distributes, or stores motor fuel within this state on which the
- 12 taxes imposed by this chapter are owed but have not been first paid
- 13 to or reported by a license holder, another user, or any other
- 14 person required to hold a license under this chapter;
- 15 (33) [<del>(38)</del>] blends products together to produce a
- 16 blended fuel that is offered for sale, sold, or used and that
- 17 expands the volume of the original product to evade paying
- 18 applicable motor fuel taxes;
- 19 (34) [<del>(39)</del>] evades or attempts to evade in any manner
- 20 a tax imposed on motor fuel by this chapter;
- 21 (35)  $[\frac{(40)}{}]$  delivers compressed natural gas or
- 22 liquefied natural gas into the fuel supply tank of a motor vehicle
- 23 and the person does not hold a valid compressed natural gas and
- 24 liquefied natural gas dealer's license; or
- (36)  $[\frac{(41)}{}]$  makes a tax-free delivery of compressed
- 26 natural gas or liquefied natural gas into the fuel supply tank of a
- 27 motor vehicle, unless the delivery is exempt from tax under Section

- 1 162.356.
- 2 SECTION 2.09. Section 548.104(d), Transportation Code, is
- 3 amended to read as follows:
- 4 (d) An inspection station or inspector may not issue a
- 5 passing vehicle inspection report for a vehicle equipped with:
- 6 (1) [a carburetion device permitting the use of
- 7 liquefied gas alone or interchangeably with another fuel, unless a
- 8 valid liquefied gas tax decal issued by the comptroller is attached
- 9 to the lower right-hand corner of the front windshield of the
- 10 vehicle on the passenger side;
- 11  $\left[\frac{(2)}{2}\right]$  a sunscreening device prohibited by Section
- 12 547.613, except that the department by rule shall provide
- 13 procedures for issuance of a passing vehicle inspection report for
- 14 a vehicle exempt under Section 547.613(c); or
- 15 (2) [<del>(3)</del>] a compressed natural gas container unless
- 16 the owner demonstrates in accordance with department rules proof:
- 17 (A) that:
- 18 (i) the container has met the inspection
- 19 requirements under 49 C.F.R. Section 571.304; and
- 20 (ii) the manufacturer's recommended service
- 21 life for the container, as stated on the container label required by
- 22 49 C.F.R. Section 571.304, has not expired; or
- 23 (B) that the vehicle is a fleet vehicle for which
- 24 the fleet operator employs a technician certified to inspect the
- 25 container.
- 26 SECTION 2.10. The following provisions of the Tax Code are
- 27 repealed:

S.B. No. 759

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Sections 162.001(39) and (40);
 1
               (1)
 2
               (2)
                    the heading to Subchapter D, Chapter 162; and
                    Sections 162.301, 162.302, 162.3021, 162.3022,
 3
               (3)
   162.303, 162.304, 162.305, 162.306, 162.307, 162.308, 162.309,
4
   162.310, 162.311, and 162.505.
5
          SECTION 2.11.
                         The change in law made by this article to
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7
   Section 162.402(a), Tax Code, applies only to a violation that
   occurs on or after the effective date of this Act. A violation that
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9
   occurred before the effective date of this Act is governed by the
   law in effect on the date the violation occurred, and the former law
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11
   is continued in effect for that purpose.
          SECTION 2.12. The change in law made by this article to
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13
   Section 162.403, Tax Code, applies only to an offense committed on
   or after the effective date of this Act. An offense committed
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15
   before the effective date of this Act is governed by the law in
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   effect on the date the offense was committed, and the former law is
   continued in effect for that purpose. For purposes of this section,
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   an offense was committed before the effective date of this Act if
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   any element of the offense occurred before that date.
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20
          SECTION 2.13. A person who holds a liquefied gas tax decal
   license under Section 162.305, Tax Code, that is valid on or after
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   the effective date of this Act may, not later than December 31,
22
   2015, apply to the comptroller of public accounts for and obtain a
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   pro rata refund of the unused portion of the advanced taxes paid for
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   the period after the effective date of this Act. The comptroller
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shall provide application forms for refunds under this section.

26

S.B. No. 759

- 1 ARTICLE 3. TRANSITION AND EFFECTIVE DATE
- 2 SECTION 3.01. The changes in law made by this Act do not
- 3 affect taxes imposed before the effective date of this Act, and the
- 4 law in effect before the effective date of this Act is continued in
- 5 effect for purposes of the liability for and collection of those
- 6 taxes.
- 7 SECTION 3.02. This Act takes effect September 1, 2015.