A BILL TO BE ENTITLED
AN ACT
relating to money transmissions sent to destinations outside the
United States; imposing a fee.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subtitle Z, Title 3, Finance Code, is amended by
adding Chapter 280 to read as follows:
CHAPTER 280. MONEY TRANSMISSION FEE
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 280.001. DEFINITIONS. In this chapter:
(1) "Financial institution" has the meaning assigned
by Section 201.101.
(2) "Money transmission" has the meaning assigned by
Section 151.301.
(3) "Money transmission business" means a person
engaging in money transmission as a service or for profit. The term
includes a financial institution.
SUBCHAPTER B. FEE ON CERTAIN MONEY TRANSMISSIONS
Sec. 280.051. FEE ON CERTAIN TRANSMISSIONS TO FOREIGN
DESTINATIONS. (a) Except as provided by Subsection (b), a money
transmission business shall charge a fee on a money transmission
for an individual that originates in this state and is transmitted
to a destination outside of the United States if the individual does
not present proof that the individual is a United States citizen or
is lawfully present in the United States by showing:
(1) a United States passport; or
(2) an unexpired Permanent Resident Card issued by United States Citizenship and Immigration Services.

(b) A financial institution may not charge the fee required by Subsection (a) to an individual that has an account with the financial institution.

(c) The amount of the fee is the sum of:

(1) three percent of the total amount sent by the money transmission; and

(2) $5.

(d) On each money transmission for which the money transmission business charges a fee under this section, the business, to cover the cost of collecting the fee, may retain an amount equal to the greater of:

(1) 10 percent of the amount of the fee provided by Subsection (c)(1); or

(2) $1.

(e) The money transmission business shall:

(1) collect the fee from the individual directing or requesting the business to make the transmission; and

(2) remit the fee, less the amount retained under Subsection (d), to the comptroller at the times and in the manner prescribed by the comptroller.

(f) Except as provided by Subsection (g), the comptroller shall deposit the revenue the comptroller receives under this section to the credit of the border security account established under Section 280.053.
The comptroller shall retain a portion of the amount remitted to the comptroller under this section to cover the cost of administering this chapter. The comptroller by rule shall specify the portion to be retained.

Sec. 280.052. RULES. The comptroller shall adopt any necessary rules for the imposition, administration, payment, collection, and enforcement of the fees imposed by Section 280.051.

Sec. 280.053. BORDER SECURITY ACCOUNT. The border security account is an account in the general revenue fund. Money in the account may be appropriated only to the Department of Public Safety or the Texas National Guard to provide funding for border security efforts in this state.

SECTION 2. The fees imposed under Subchapter B, Chapter 280, Finance Code, as added by this Act, apply only to money transmissions that occur on or after December 1, 2017.

SECTION 3. Not later than December 1, 2017, the comptroller shall adopt rules as necessary to implement Chapter 280, Finance Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2017.