

1-1 By: Holland, et al. (Senate Sponsor - Creighton) H.B. No. 2949
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 21, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|--------------------------|-----|-----|--------|-----|
| 1-7 Hancock | X | | | |
| 1-8 Creighton | X | | | |
| 1-9 Campbell | X | | | |
| 1-10 Estes | X | | | |
| 1-11 Nichols | | | X | |
| 1-12 Schwertner | X | | | |
| 1-13 Taylor of Galveston | X | | | |
| 1-14 Whitmire | X | | | |
| 1-15 Zaffirini | X | | | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the maximum amount of a documentary fee charged by a
 1-20 retail seller of motor vehicles.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 348.006(e) and (f), Finance Code, are
 1-23 amended to read as follows:

1-24 (e) Prior to increasing the maximum amount of the
 1-25 documentary fee the retail seller charges, a retail seller shall
 1-26 provide written notice to the commissioner of the maximum amount of
 1-27 the documentary fee the retail seller intends to charge unless the
 1-28 maximum amount intended to be charged is considered reasonable as
 1-29 provided by Subsection (f). The commissioner may review the amount
 1-30 of a documentary fee a retail seller intends to charge for
 1-31 reasonableness if the retail seller is required to provide written
 1-32 notice of the fee increase under this subsection. In determining
 1-33 whether a fee charged by a retail seller is reasonable, the
 1-34 commissioner may consider the resources required by the retail
 1-35 seller to perform the retail seller's duties under state and
 1-36 federal law with respect to the handling and processing of
 1-37 documents relating to the sale and financing of a motor vehicle. If
 1-38 the commissioner determines that a documentary fee charged is not
 1-39 reasonable, the commissioner may require that the documentary fee
 1-40 charged be reduced or suspended.

1-41 (f) A documentary fee charged in accordance with this
 1-42 section [~~before September 1, 2009,~~] is considered reasonable for
 1-43 purposes of this section if the amount is less than or equal to the
 1-44 amount of the documentary fee presumed reasonable as established by
 1-45 rule of the finance commission.

1-46 SECTION 2. Sections 348.006(e) and (f), Finance Code, as
 1-47 amended by this Act, apply only to the sale of a motor vehicle that
 1-48 occurs on or after the effective date of this Act. The sale of a
 1-49 motor vehicle that occurs before the effective date of this Act is
 1-50 governed by the law in effect on the date of the sale, and the former
 1-51 law is continued in effect for that purpose.

1-52 SECTION 3. This Act takes effect September 1, 2017.

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