

1-1 By: Kolkhorst S.B. No. 1557
 1-2 (In the Senate - Filed March 8, 2017; March 21, 2017, read
 1-3 first time and referred to Committee on Finance; March 29, 2017,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 14, Nays 0; March 29, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Hinojosa	X			
1-9 Bettencourt	X			
1-10 Birdwell	X			
1-11 Hancock	X			
1-12 Huffman	X			
1-13 Kolkhorst	X			
1-14 Nichols	X			
1-15 Schwertner			X	
1-16 Seliger	X			
1-17 Taylor of Galveston	X			
1-18 Uresti	X			
1-19 Watson	X			
1-20 West	X			
1-21 Whitmire	X			

1-23 COMMITTEE SUBSTITUTE FOR S.B. No. 1557 By: Kolkhorst

1-24 A BILL TO BE ENTITLED
 1-25 AN ACT

1-26 relating to the administration of gasoline and diesel fuel motor
 1-27 fuels taxes and the fee on the delivery of certain petroleum
 1-28 products.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Section 162.012(a), Tax Code, is amended to read
 1-31 as follows:

1-32 (a) A person licensed under this chapter or required to be
 1-33 licensed under this chapter, or other user, who fails to keep a
 1-34 record, issue an invoice, or file a return or report required by
 1-35 this chapter is presumed to have sold or used for taxable purposes
 1-36 all motor fuel shown by an audit by the comptroller to have been
 1-37 sold to the license holder or other user. Motor fuel unaccounted
 1-38 for is presumed to have been sold or used for taxable purposes. If
 1-39 an exporter claims an exemption under Section 162.104(a)(4)
 1-40 ~~[162.104(a)(4)(B)]~~ or 162.204(a)(4) ~~[162.204(a)(4)(B)]~~ and fails
 1-41 to report subsequent tax-free sales in this state of the motor fuel
 1-42 for which the exemption was claimed as required by Section 162.1155
 1-43 or 162.2165, or to produce proof of payment of tax to the
 1-44 destination state or proof that the transaction was exempt in the
 1-45 destination state, the exporter is presumed to have not paid the
 1-46 destination state's tax or this state's tax on the ~~[exported]~~ motor
 1-47 fuel and the comptroller shall assess the tax imposed by this
 1-48 chapter on the ~~[exported]~~ motor fuel against the exporter. The
 1-49 comptroller may fix or establish the amount of taxes, penalties,
 1-50 and interest due this state from the records of deliveries or from
 1-51 any records or information available. If a tax claim, as developed
 1-52 from this procedure, is not paid, after the opportunity to request a
 1-53 redetermination, the claim and any audit made by the comptroller or
 1-54 any report filed by the license holder or other user is evidence in
 1-55 any suit or judicial proceedings filed by the attorney general and
 1-56 is prima facie evidence of the correctness of the claim or audit. A
 1-57 prima facie presumption of the correctness of the claim may be
 1-58 overcome at the trial by evidence adduced by the license holder or
 1-59 other user.

1-60 SECTION 2. Section 162.101, Tax Code, is amended by adding

2-1 Subsections (e-1) and (e-2) to read as follows:

2-2 (e-1) A tax is imposed on gasoline that is otherwise exempt
 2-3 from taxation under Section 162.104(a)(4) or (7) if the gasoline is
 2-4 sold in this state to a person who does not hold a license under
 2-5 Section 162.105(1), (2), (3), (4), or (6). The person that sold the
 2-6 gasoline is liable for and shall collect the tax.

2-7 (e-2) A tax is imposed on gasoline that is otherwise exempt
 2-8 from taxation under Section 162.104(a)(4) or (7) if before export
 2-9 the gasoline is sold in this state to a person who holds a license
 2-10 under Section 162.105(1), (2), (3), (4), or (6) and the gasoline is
 2-11 delivered to a destination in this state. The person that
 2-12 redirected the delivery of the gasoline to a destination in this
 2-13 state is liable for and shall pay the tax.

2-14 SECTION 3. Sections 162.104(a), (d), and (f), Tax Code, are
 2-15 amended to read as follows:

2-16 (a) The tax imposed by this subchapter does not apply to
 2-17 gasoline:

2-18 (1) sold to the United States for its exclusive use,
 2-19 provided that the exemption does not apply with respect to fuel sold
 2-20 or delivered to a person operating under a contract with the United
 2-21 States;

2-22 (2) sold to a public school district in this state for
 2-23 the district's exclusive use;

2-24 (3) sold to a commercial transportation company or a
 2-25 metropolitan rapid transit authority operating under Chapter 451,
 2-26 Transportation Code, that provides public school transportation
 2-27 services to a school district under Section 34.008, Education Code,
 2-28 and that uses the gasoline only to provide those services;

2-29 (4) exported by either a licensed supplier or a
 2-30 licensed exporter from this state to any other state, provided
 2-31 that[+]

2-32 [~~(A) for gasoline in a situation described by~~
 2-33 ~~Subsection (d),] the bill of lading indicates the destination state
 2-34 and the supplier collects the destination state tax[; or~~

2-35 [~~(B) for gasoline in a situation described by~~
 2-36 ~~Subsection (e), the bill of lading indicates the destination state,~~
 2-37 ~~the gasoline is subsequently exported, and the exporter is licensed~~
 2-38 ~~in the destination state to pay that state's tax and has an~~
 2-39 ~~exporter's license issued under this subchapter];~~

2-40 (5) moved by truck or railcar between licensed
 2-41 suppliers or licensed permissive suppliers and in which the
 2-42 gasoline removed from the first terminal comes to rest in the second
 2-43 terminal, provided that the removal from the second terminal rack
 2-44 is subject to the tax imposed by this subchapter;

2-45 (6) delivered or sold into a storage facility of a
 2-46 licensed aviation fuel dealer from which gasoline will be delivered
 2-47 solely into the fuel supply tanks of aircraft or aircraft servicing
 2-48 equipment, or sold from one licensed aviation fuel dealer to
 2-49 another licensed aviation fuel dealer who will deliver the aviation
 2-50 fuel exclusively into the fuel supply tanks of aircraft or aircraft
 2-51 servicing equipment;

2-52 (7) exported to a foreign country if the bill of lading
 2-53 indicates the foreign destination and the fuel is actually exported
 2-54 to the foreign country;

2-55 (8) sold to a volunteer fire department in this state
 2-56 for the department's exclusive use; or

2-57 (9) sold to a nonprofit entity that is organized for
 2-58 the sole purpose of and engages exclusively in providing emergency
 2-59 medical services and that uses the gasoline exclusively to provide
 2-60 emergency medical services, including rescue and ambulance
 2-61 services.

2-62 (d) Subsection (a)(4) [~~(a)(4)(A)] applies only if the~~
 2-63 destination state recognizes, by agreement with this state or by
 2-64 statute or rule, a supplier in this state as a valid taxpayer for
 2-65 the motor fuel being exported to that state from this state. The
 2-66 comptroller shall publish a list that specifies for each state,
 2-67 other than this state, whether that state does or does not qualify
 2-68 under this subsection.

2-69 (f) The exemption provided by Subsection (a)(4) [~~(a)(4)(A)]~~

3-1 does not apply to a sale by a distributor.

3-2 SECTION 4. Section 162.115(d), Tax Code, is amended to read
3-3 as follows:

3-4 (d) An exporter shall keep:

3-5 (1) a record showing the number of gallons of:

3-6 (A) all gasoline inventories on hand at the first
3-7 of each month;

3-8 (B) all gasoline compounded or blended;

3-9 (C) all gasoline purchased or received, showing
3-10 the name of the seller and the date of each purchase or receipt;

3-11 (D) all gasoline sold, distributed, or used,
3-12 showing the name of the purchaser and the date of the sale or use;
3-13 and

3-14 (E) all gasoline lost by fire, theft, or
3-15 accident;

3-16 (2) an itemized statement showing by load the number
3-17 of gallons of all gasoline:

3-18 (A) received during the preceding calendar month
3-19 for export and the location of the loading; and

3-20 (B) exported from this state by destination state
3-21 or country;

3-22 (3) proof of payment of tax to the destination state in
3-23 a form acceptable to the comptroller; and

3-24 (4) if an exemption under Section 162.104(a)(4)
3-25 [~~162.104(a)(4)(B)~~] is claimed, proof of payment of tax to the
3-26 destination state or proof that the transaction was exempt in the
3-27 destination state, in a form acceptable to the comptroller.

3-28 SECTION 5. Subchapter B, Chapter 162, Tax Code, is amended
3-29 by adding Section 162.1155 to read as follows:

3-30 Sec. 162.1155. DUTY TO REPORT SUBSEQUENT SALES OF TAX-FREE
3-31 GASOLINE PURCHASED FOR EXPORT. (a) A person who purchases or
3-32 removes gasoline tax-free under Section 162.104(a)(4) or (7) and
3-33 before export sells the gasoline in this state tax-free to a person
3-34 who holds a license under Section 162.105(1), (2), (3), (4), or (6)
3-35 shall report that transaction to the comptroller as required by
3-36 this section. If the gasoline is subsequently sold one or more
3-37 times in this state before export and tax-free to a person who holds
3-38 a license under Section 162.105(1), (2), (3), (4), or (6), each
3-39 seller shall report the transaction to the comptroller as required
3-40 by this section.

3-41 (b) Each person who sells tax-free gasoline in this state in
3-42 a transaction described by Subsection (a) must provide to the
3-43 comptroller:

3-44 (1) the bill of lading number issued at the terminal;

3-45 (2) the terminal control number;

3-46 (3) the date the gasoline was removed from the
3-47 terminal;

3-48 (4) the number of gallons invoiced; and

3-49 (5) any other information required by the comptroller.

3-50 (c) The sales invoice for each transaction described by
3-51 Subsection (a) must include:

3-52 (1) the name of the seller and purchaser; and

3-53 (2) the original bill of lading number.

3-54 (d) A person required to report a transaction under
3-55 Subsection (a) shall report the transaction on a form prescribed by
3-56 the comptroller and with the return required by Section 162.114.

3-57 SECTION 6. Section 162.201, Tax Code, is amended by adding
3-58 Subsections (e-1) and (e-2) to read as follows:

3-59 (e-1) A tax is imposed on diesel fuel that is otherwise
3-60 exempt from taxation under Section 162.204(a)(4) or (7) if the
3-61 diesel fuel is sold in this state to a person who does not hold a
3-62 license under Section 162.205(a)(1), (2), (3), (4), or (6). The
3-63 person that sold the diesel fuel is liable for and shall collect the
3-64 tax.

3-65 (e-2) A tax is imposed on diesel fuel that is otherwise
3-66 exempt from taxation under Section 162.204(a)(4) or (7) if before
3-67 export the diesel fuel is sold in this state to a person who holds a
3-68 license under Section 162.205(a)(1), (2), (3), (4), or (6) and the
3-69 diesel fuel is delivered to a destination in this state. The person

4-1 that redirected the delivery of the diesel fuel to a destination in
 4-2 this state is liable for and shall pay the tax.

4-3 SECTION 7. Sections 162.204(a), (d), and (f), Tax Code, are
 4-4 amended to read as follows:

4-5 (a) The tax imposed by this subchapter does not apply to:

4-6 (1) diesel fuel sold to the United States for its
 4-7 exclusive use, provided that the exemption does not apply to diesel
 4-8 fuel sold or delivered to a person operating under a contract with
 4-9 the United States;

4-10 (2) diesel fuel sold to a public school district in
 4-11 this state for the district's exclusive use;

4-12 (3) diesel fuel sold to a commercial transportation
 4-13 company or a metropolitan rapid transit authority operating under
 4-14 Chapter 451, Transportation Code, that provides public school
 4-15 transportation services to a school district under Section 34.008,
 4-16 Education Code, and that uses the diesel fuel only to provide those
 4-17 services;

4-18 (4) diesel fuel exported by either a licensed supplier
 4-19 or a licensed exporter from this state to any other state, provided
 4-20 that[+]

4-21 [~~(A) for diesel fuel in a situation described by~~
 4-22 ~~Subsection (d),~~] the bill of lading indicates the destination state
 4-23 and the supplier collects the destination state tax[+ ~~or~~

4-24 [~~(B) for diesel fuel in a situation described by~~
 4-25 ~~Subsection (e), the bill of lading indicates the destination state,~~
 4-26 ~~the diesel fuel is subsequently exported, and the exporter is~~
 4-27 ~~licensed in the destination state to pay that state's tax and has an~~
 4-28 ~~exporter's license issued under this subchapter];~~

4-29 (5) diesel fuel moved by truck or railcar between
 4-30 licensed suppliers or licensed permissive suppliers and in which
 4-31 the diesel fuel removed from the first terminal comes to rest in the
 4-32 second terminal, provided that the removal from the second terminal
 4-33 rack is subject to the tax imposed by this subchapter;

4-34 (6) diesel fuel delivered or sold into a storage
 4-35 facility of a licensed aviation fuel dealer from which the diesel
 4-36 fuel will be delivered solely into the fuel supply tanks of aircraft
 4-37 or aircraft servicing equipment, or sold from one licensed aviation
 4-38 fuel dealer to another licensed aviation fuel dealer who will
 4-39 deliver the diesel fuel exclusively into the fuel supply tanks of
 4-40 aircraft or aircraft servicing equipment;

4-41 (7) diesel fuel exported to a foreign country if the
 4-42 bill of lading indicates the foreign destination and the fuel is
 4-43 actually exported to the foreign country;

4-44 (8) dyed diesel fuel sold or delivered by a supplier to
 4-45 another supplier and dyed diesel fuel sold or delivered by a
 4-46 supplier or distributor into the bulk storage facility of a dyed
 4-47 diesel fuel bonded user or to a purchaser who provides a signed
 4-48 statement as provided by Section 162.206;

4-49 (9) the volume of water, fuel ethanol, renewable
 4-50 diesel, biodiesel, or mixtures thereof that are blended together
 4-51 with taxable diesel fuel when the finished product sold or used is
 4-52 clearly identified on the retail pump, storage tank, and sales
 4-53 invoice as a combination of diesel fuel and water, fuel ethanol,
 4-54 renewable diesel, biodiesel, or mixtures thereof;

4-55 (10) dyed diesel fuel sold by a supplier or permissive
 4-56 supplier to a distributor, or by a distributor to another
 4-57 distributor;

4-58 (11) dyed diesel fuel delivered by a license holder
 4-59 into the fuel supply tanks of railway engines, motorboats, or
 4-60 refrigeration units or other stationary equipment powered by a
 4-61 separate motor from a separate fuel supply tank;

4-62 (12) dyed kerosene when delivered by a supplier,
 4-63 distributor, or importer into a storage facility at a retail
 4-64 business from which all deliveries are exclusively for heating,
 4-65 cooking, lighting, or similar nonhighway use;

4-66 (13) diesel fuel used by a person, other than a
 4-67 political subdivision, who owns, controls, operates, or manages a
 4-68 commercial motor vehicle as defined by Section 548.001,
 4-69 Transportation Code, if the fuel:

5-1 (A) is delivered exclusively into the fuel supply
 5-2 tank of the commercial motor vehicle; and

5-3 (B) is used exclusively to transport passengers
 5-4 for compensation or hire between points in this state on a fixed
 5-5 route or schedule;

5-6 (14) diesel fuel sold to a volunteer fire department
 5-7 in this state for the department's exclusive use; or

5-8 (15) diesel fuel sold to a nonprofit entity that is
 5-9 organized for the sole purpose of and engages exclusively in
 5-10 providing emergency medical services and that uses the diesel fuel
 5-11 exclusively to provide emergency medical services, including
 5-12 rescue and ambulance services.

5-13 (d) Subsection (a)(4) [~~(a)(4)(A)~~] applies only if the
 5-14 destination state recognizes, by agreement with this state or by
 5-15 statute or rule, a supplier in this state as a valid taxpayer for
 5-16 the motor fuel being exported to that state from this state. The
 5-17 comptroller shall publish a list that specifies for each state,
 5-18 other than this state, whether that state does or does not qualify
 5-19 under this subsection.

5-20 (f) The exemption provided by Subsection (a)(4) [~~(a)(4)(A)~~]
 5-21 does not apply to a sale by a distributor.

5-22 SECTION 8. Section 162.216(d), Tax Code, is amended to read
 5-23 as follows:

5-24 (d) An exporter shall keep:

5-25 (1) a record showing the number of gallons of:

5-26 (A) all diesel fuel inventories on hand at the
 5-27 first of each month;

5-28 (B) all diesel fuel compounded or blended;

5-29 (C) all diesel fuel purchased or received,
 5-30 showing the name of the seller and the date of each purchase or
 5-31 receipt;

5-32 (D) all diesel fuel sold, distributed, or used,
 5-33 showing the name of the purchaser and the date of the sale or use;
 5-34 and

5-35 (E) all diesel fuel lost by fire, theft, or
 5-36 accident;

5-37 (2) an itemized statement showing by load the number
 5-38 of gallons of all diesel fuel:

5-39 (A) received during the preceding calendar month
 5-40 for export and the location of the loading; and

5-41 (B) exported from this state, by destination
 5-42 state or country;

5-43 (3) proof of payment of tax to the destination state in
 5-44 a form acceptable to the comptroller; and

5-45 (4) if an exemption under Section 162.204(a)(4)
 5-46 [~~162.204(a)(4)(B)~~] is claimed, proof of payment of tax to the
 5-47 destination state or proof that the transaction was exempt in the
 5-48 destination state, in a form acceptable to the comptroller.

5-49 SECTION 9. Subchapter C, Chapter 162, Tax Code, is amended
 5-50 by adding Section 162.2165 to read as follows:

5-51 Sec. 162.2165. DUTY TO REPORT SUBSEQUENT SALES OF TAX-FREE
 5-52 DIESEL FUEL PURCHASED FOR EXPORT. (a) A person who purchases or
 5-53 removes diesel fuel tax-free under Section 162.204(a)(4) or (7) and
 5-54 before export sells the diesel fuel in this state tax-free to a
 5-55 person who holds a license under Section 162.205(a)(1), (2), (3),
 5-56 (4), or (6) shall report that transaction to the comptroller as
 5-57 required by this section. If the diesel fuel is subsequently sold
 5-58 one or more times in this state before export and tax-free to a
 5-59 person who holds a license under Section 162.205(a)(1), (2), (3),
 5-60 (4), or (6), each seller shall report the transaction to the
 5-61 comptroller as required by this section.

5-62 (b) Each person who sells tax-free diesel fuel in this state
 5-63 in a transaction described by Subsection (a) must provide to the
 5-64 comptroller:

5-65 (1) the bill of lading number issued at the terminal;

5-66 (2) the terminal control number;

5-67 (3) the date the diesel fuel was removed from the
 5-68 terminal;

5-69 (4) the number of gallons invoiced; and

6-1 (5) any other information required by the comptroller.

6-2 (c) The sales invoice for each transaction described by
6-3 Subsection (a) must include:

6-4 (1) the name of the seller and purchaser; and

6-5 (2) the original bill of lading number.

6-6 (d) A person required to report a transaction under
6-7 Subsection (a) shall report the transaction on a form prescribed by
6-8 the comptroller and with the return required by Section 162.215.

6-9 SECTION 10. Section 162.401, Tax Code, is amended by adding
6-10 Subsections (e) and (f) to read as follows:

6-11 (e) In addition to any other penalty authorized by this
6-12 section, a person who fails to report a subsequent sale in this
6-13 state of tax-free motor fuel purchased for export as required by
6-14 Section 162.1155 or 162.2165 shall pay for each sale that is not
6-15 reported a penalty of \$200. The penalty provided by this subsection
6-16 is not assessed if the taxpayer files an amended report that
6-17 includes the sale not later than the 180th day after the due date of
6-18 the original report of the sale.

6-19 (f) In addition to any other penalty authorized by this
6-20 section, a person who fails to pay the tax imposed by Section
6-21 162.101(e-2) or 162.201(e-2) when due shall pay a penalty equal to
6-22 the greater of \$2,000 or five times the amount of the tax due on the
6-23 motor fuel.

6-24 SECTION 11. Section 26.3574(a), Water Code, is amended by
6-25 amending Subdivision (1) and adding Subdivision (2-a) to read as
6-26 follows:

6-27 (1) "Bulk facility" means a facility in this state,
6-28 including pipeline terminals, refinery terminals, rail and barge
6-29 terminals, and associated underground and aboveground tanks,
6-30 connected or separate, from which petroleum products are withdrawn
6-31 from bulk and delivered into a cargo tank or a barge used to
6-32 transport those products. This term does not include petroleum
6-33 products consumed at an electric generating facility.

6-34 (2-a) "Supplier" has the meaning assigned by Section
6-35 162.001, Tax Code.

6-36 SECTION 12. Sections 26.3574(b), (d), (e), (f), (g), (i),
6-37 and (j), Water Code, are amended to read as follows:

6-38 (b) A fee is imposed on the delivery of a petroleum product
6-39 on withdrawal from bulk of that product as provided by this
6-40 subsection. Each supplier [~~operator of a bulk facility~~] on
6-41 withdrawal from bulk of a petroleum product shall collect from the
6-42 person who orders the withdrawal a fee in an amount determined as
6-43 follows:

6-44 (1) not more than \$3.75 for each delivery into a cargo
6-45 tank having a capacity of less than 2,500 gallons;

6-46 (2) not more than \$7.50 for each delivery into a cargo
6-47 tank having a capacity of 2,500 gallons or more but less than 5,000
6-48 gallons;

6-49 (3) not more than \$11.75 for each delivery into a cargo
6-50 tank having a capacity of 5,000 gallons or more but less than 8,000
6-51 gallons;

6-52 (4) not more than \$15.00 for each delivery into a cargo
6-53 tank having a capacity of 8,000 gallons or more but less than 10,000
6-54 gallons; and

6-55 (5) not more than \$7.50 for each increment of 5,000
6-56 gallons or any part thereof delivered into a cargo tank having a
6-57 capacity of 10,000 gallons or more.

6-58 (d) A person who imports a petroleum product in a cargo tank
6-59 or a barge destined for delivery into an underground or aboveground
6-60 storage tank, regardless of whether or not the tank is exempt from
6-61 regulation under Section 26.344 [~~of this code~~], other than a
6-62 storage tank connected to or part of a bulk facility in this state,
6-63 shall pay to the comptroller a fee on the number of gallons
6-64 imported, computed as provided by Subsections (b) and (c) [~~of this~~
6-65 ~~section~~]. If a supplier [~~bulk facility operator~~] imports a
6-66 petroleum product in a cargo tank or a barge, the supplier [~~bulk~~
6-67 ~~facility operator~~] is not required to pay the fee on that imported
6-68 petroleum product if the petroleum product is delivered to a bulk
6-69 facility from which the petroleum product will be withdrawn from

7-1 bulk.

7-2 (e) A supplier [~~bulk facility operator~~] who receives
7-3 petroleum products on which the fee has been paid may take credit
7-4 for the fee paid on monthly reports.

7-5 (f) Subsection (b) [~~of this section~~] does not apply to a
7-6 delivery of a petroleum product destined for export from this state
7-7 if the petroleum product is in continuous movement to a destination
7-8 outside this state. For purposes of this subsection, a petroleum
7-9 product ceases to be in continuous movement to a destination
7-10 outside this state if the product is delivered to a destination in
7-11 this state. The person that directs the delivery of the product to
7-12 a destination in this state shall pay the fee imposed by this
7-13 section on that product.

7-14 (g) Each supplier [~~operator of a bulk facility~~] and each
7-15 person covered by Subsection (d) [~~of this section~~] shall file an
7-16 application with the comptroller for a permit to deliver a
7-17 petroleum product into a cargo tank destined for delivery to an
7-18 underground or aboveground storage tank, regardless of whether or
7-19 not the tank is exempt from regulation under Section 26.344 [~~of this~~
7-20 ~~code~~]. A permit issued by the comptroller under this subsection is
7-21 valid on and after the date of its issuance and until the permit is
7-22 surrendered by the holder or canceled by the comptroller. An
7-23 applicant for a permit issued under this subsection must use a form
7-24 adopted or approved by the comptroller that contains:

7-25 (1) the name under which the applicant transacts or
7-26 intends to transact business;

7-27 (2) the principal office, residence, or place of
7-28 business in this state of the applicant;

7-29 (3) if the applicant is not an individual, the names of
7-30 the principal officers of an applicant corporation, or the name of
7-31 the member of an applicant partnership, and the office, street, or
7-32 post office address of each; and

7-33 (4) any other information required by the comptroller.

7-34 (i) Each supplier [~~operator of a bulk facility~~] and each
7-35 person covered by Subsection (d) [~~of this section~~] shall:

7-36 (1) list, as a separate line item on an invoice or
7-37 cargo manifest required under this section, the amount of the
7-38 delivery fee due under this section; and

7-39 (2) on or before the 25th day of the month following
7-40 the end of each calendar month, file a report with the comptroller
7-41 and remit the amount of fees required to be collected or paid during
7-42 the preceding month.

7-43 (j) Each supplier [~~operator of a bulk facility~~] or the
7-44 supplier's [~~his~~] representative and each person covered by
7-45 Subsection (d) [~~of this section~~] shall prepare the report required
7-46 under Subsection (i) [~~of this section~~] on a form provided or
7-47 approved by the comptroller.

7-48 SECTION 13. The following provisions of the Tax Code are
7-49 repealed:

7-50 (1) Sections 162.104(c) and (e); and

7-51 (2) Sections 162.204(c) and (e).

7-52 SECTION 14. The amendments made by this Act to Sections
7-53 162.101 and 162.201, Tax Code, are a clarification of existing law
7-54 and do not imply that existing law may be construed as inconsistent
7-55 with the law as amended by this Act.

7-56 SECTION 15. The changes in law made by this Act do not
7-57 affect tax liability accruing before the effective date of this
7-58 Act. That liability continues in effect as if this Act had not been
7-59 enacted, and the former law is continued in effect for that purpose.

7-60 SECTION 16. This Act takes effect January 1, 2018.

7-61

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