| **House Bill 3215**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (CS) | CONFERENCE |
| SECTION 1. Section 503.024(d), Transportation Code, is amended to read as follows:  (d) For the purposes of Section 503.021, a licensed auctioneer is not engaging in business as a dealer by, as a bid caller, selling or offering to sell property, including a business that holds the title to any number of vehicles, to the highest bidder at a bona fide auction if:  (1) legal or equitable title does not pass to the auctioneer;  (2) the auction is not held to avoid a requirement of this chapter; and  (3) for an auction of vehicles owned legally or equitably by a person who holds a general distinguishing number, the auction is conducted at the location for which the general distinguishing number was issued. | SECTION 1. Sections 503.024(b) and (d), Transportation Code, are amended to read as follows:  (b) For the purposes of Section 503.021, a person is not engaging in business as a dealer by:  (1) selling or offering to sell, if the sale or offer is not made to avoid a requirement of this chapter, a vehicle the person acquired for personal or business use to:  (A) a person other than a retail buyer if not sold or offered through a licensed auctioneer; or  (B) any person if the sale or offer is made through a licensed auctioneer [~~if the sale or offer is not made to avoid a requirement of this chapter~~];  (2) selling, in a manner provided by law for the forced sale of vehicles, a vehicle in which the person holds a security interest;  (3) acting under a court order as a receiver, trustee, administrator, executor, guardian, or other appointed person;  (4) selling a vehicle the person acquired from the vehicle's owner as a result of paying an insurance claim if the person is an insurance company;  (5) selling an antique passenger car or truck that is at least 25 years of age; or  (6) selling a special interest vehicle that is at least 12 years of age if the person is a collector.  (d) For the purposes of Section 503.021, a licensed auctioneer is not engaging in business as a dealer by, as a bid caller, selling or offering to sell property, including a business that holds the title to any number of vehicles, to the highest bidder at a bona fide auction if:  (1) legal or equitable title does not pass to the auctioneer;  (2) the auction is not held to avoid a requirement of this chapter; and  (3) for an auction of vehicles owned legally or equitably by a person who holds a general distinguishing number, the auction is conducted at the location for which the general distinguishing number was issued. |  |
| SECTION 2. This Act takes effect September 1, 2017. | SECTION 2. Same as House version. |  |