

By: Springer

H.B. No. 1543

A BILL TO BE ENTITLED

AN ACT

relating to methods to enhance the enforcement of the collection of the use tax due on certain off-highway vehicles purchased outside this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 2301, Occupations Code, is amended by adding Section 2301.008 to read as follows:

Sec. 2301.008. ANNUAL REPORT ON WARRANTIES ISSUED FOR CERTAIN OFF-HIGHWAY VEHICLES PURCHASED OUTSIDE THIS STATE. (a) In this section:

(1) "Off-highway vehicle" has the meaning assigned by Section 501.0301, Transportation Code.

(2) "Retailer" has the meaning assigned by Section 151.008, Tax Code.

(b) Not later than March 1 of each year, a manufacturer of off-highway vehicles shall submit to the department a report listing each warranty issued by the manufacturer for a new off-highway vehicle that was, during the preceding calendar year, sold to a resident of this state by a retailer located outside this state. The report must:

(1) be in a form prescribed by the department; and

(2) contain, at a minimum, the following information for each warranty:

(A) the vehicle identification number of the

1 vehicle;

2 (B) the make, model, and model year of the  
3 vehicle;

4 (C) the name and address of the purchaser of the  
5 vehicle; and

6 (D) the sales price of the vehicle.

7 (c) The department shall:

8 (1) review each report submitted under this section to  
9 determine whether the report is complete; and

10 (2) require a manufacturer to submit any additional  
11 information necessary to meet the requirements of this section if  
12 the department determines that the report submitted by the  
13 manufacturer is incomplete.

14 (d) As soon as practicable after receiving a report  
15 submitted under this section that the department determines is  
16 complete, the department shall forward the report to the  
17 comptroller. The comptroller may use information contained in the  
18 report for the purpose of investigating and collecting any unpaid  
19 taxes imposed under Subchapter D, Chapter 151, Tax Code, on a new  
20 off-highway vehicle described in the report.

21 (e) The board may adopt rules as necessary to implement this  
22 section.

23 (f) Information contained in a report submitted under this  
24 section is confidential and not subject to disclosure under Chapter  
25 552, Government Code.

26 SECTION 2. Subchapter B, Chapter 501, Transportation Code,  
27 is amended by adding Section 501.0301 to read as follows:

1       Sec. 501.0301. CERTAIN OFF-HIGHWAY VEHICLES PURCHASED  
2 OUTSIDE THIS STATE. (a) In this section:

3               (1) "Off-highway vehicle" means:

4                       (A) an all-terrain vehicle or recreational  
5 off-highway vehicle, as those terms are defined by Section 502.001;

6                       (B) a motorcycle, as that term is defined by  
7 Section 541.201, other than a motorcycle described by Section  
8 521.001, that is designed by the manufacturer for off-highway use  
9 only; or

10                      (C) a utility vehicle, as that term is defined by  
11 Section 663.001.

12               (2) "Retailer" has the meaning assigned by Section  
13 151.008, Tax Code.

14       (b) A county assessor-collector may not issue a title  
15 receipt and the department may not issue a certificate of title for  
16 an off-highway vehicle purchased from a retailer located outside  
17 this state unless the applicant for the title delivers to the  
18 assessor-collector or the department, as applicable, satisfactory  
19 evidence showing that the applicant:

20                      (1) has paid to the comptroller the applicable use tax  
21 imposed on the vehicle under Subchapter D, Chapter 151, Tax Code; or

22                      (2) is not required to pay any taxes described by  
23 Subdivision (1).

24       SECTION 3. Not later than March 1, 2020, a manufacturer  
25 shall submit the first report required by Section 2301.008,  
26 Occupations Code, as added by this Act.

27       SECTION 4. Section 501.0301, Transportation Code, as added

1 by this Act, applies only to an application for title that is filed  
2 on or after the effective date of this Act. An application for  
3 title that is filed before the effective date of this Act is  
4 governed by the law in effect on the date the application was filed,  
5 and the former law is continued in effect for that purpose.

6 SECTION 5. This Act takes effect September 1, 2019.