S.B. No. 586

AN ACT

relating to the filing of certain reports by distributors of certain off-highway vehicles purchased outside this state; providing civil penalties.

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

SECTION 1.  The heading to Subchapter I-2, Chapter 151, Tax Code, is amended to read as follows:

SUBCHAPTER I-2. REPORTS BY MANUFACTURERS AND DISTRIBUTORS OF CERTAIN OFF-HIGHWAY VEHICLES PURCHASED OUTSIDE THIS STATE

SECTION 2.  Section 151.481, Tax Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1)  "Distributor" means a person that distributes off-highway vehicles and is required to hold a distributor's license under Chapter 2301, Occupations Code.

(1-a)  "Manufacturer" means a person that manufactures off-highway vehicles and is required to hold a manufacturer's license under Chapter 2301, Occupations Code.

SECTION 3.  The heading to Section 151.482, Tax Code, is amended to read as follows:

Sec. 151.482.  REPORTS BY MANUFACTURERS AND DISTRIBUTORS.

SECTION 4.  Section 151.482(a), Tax Code, is amended to read as follows:

(a)  The comptroller shall require each manufacturer and distributor to file with the comptroller a report not later than March 1 of each year listing each warranty issued by the manufacturer or distributor 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 comptroller; and

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

(A)  the vehicle identification number of the vehicle;

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

(C)  the name and address, including street name and number, city, and zip code, of the purchaser of the vehicle.

SECTION 5.  Section 151.485, Tax Code, is amended to read as follows:

Sec. 151.485.  CIVIL PENALTY. (a) If a manufacturer or distributor fails to file a report required by this subchapter or fails to file a complete report, the comptroller may impose a civil penalty under Section 151.703(d).

(b)  In addition to the penalty imposed under Subsection (a), a manufacturer or distributor shall pay the state a civil penalty of not less than $25 or more than $2,000 for each day a violation continues if the manufacturer or distributor:

(1)  violates this subchapter; or

(2)  violates a rule adopted to administer or enforce this subchapter.

SECTION 6.  Section 151.486, Tax Code, is amended to read as follows:

Sec. 151.486.  ACTION BY TEXAS DEPARTMENT OF MOTOR VEHICLES. If a manufacturer or distributor fails to file a report required by this subchapter or fails to file a complete report, the comptroller may notify the Texas Department of Motor Vehicles of the failure and the department may take administrative action against the manufacturer or distributor for the failure under Chapter 2301, Occupations Code.

SECTION 7.  Section 151.487, Tax Code, is amended to read as follows:

Sec. 151.487.  AUDIT; INSPECTION. The comptroller may audit, inspect, or otherwise verify a manufacturer's or distributor's compliance with this subchapter.

SECTION 8.  Not later than March 1, 2022, a distributor shall submit the first report required by Section 151.482, Tax Code, as amended by this Act.

SECTION 9.  This Act takes effect September 1, 2021.

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I hereby certify that S.B. No. 586 passed the Senate on April 20, 2021, by the following vote:  Yeas 29, Nays 2.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 586 passed the House on May 19, 2021, by the following vote:  Yeas 125, Nays 18, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor