

By: Guillen

H.B. No. 1389

A BILL TO BE ENTITLED

AN ACT

relating to certain reimbursements and discounts allowed for the collection and payment of sales and use taxes.

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

SECTION 1. Section 151.423, Tax Code, is amended to read as follows:

Sec. 151.423. REIMBURSEMENT TO TAXPAYER FOR TAX COLLECTIONS. (a) In this section, "credit card" means a payment card issued to a cardholder to pay a merchant based on the cardholder's promise to pay a credit card issuer. A "credit card issuer" means an entity that provides a credit card to an end user

(b) As reimbursement for the cost of collecting the taxes imposed by this chapter, a [A] taxpayer may on a timely return deduct and withhold:

(1) one-half of one percent of the amount of taxes due from the taxpayer, other than taxes imposed on credit card sales; and

(2) In the case of purchases made by credit card, 2.5 percent of the amount of taxes due from the taxpayer ~~[on a timely return as reimbursement for the cost of collecting the taxes imposed by this chapter].~~

~~[(c)]~~ (b) The comptroller shall provide a card with each form distributed for the collection of taxes under this chapter. The card may be inserted by the taxpayer with the tax payment to

1 provide for contribution of all or part of the reimbursement
2 provided by this section for use as grants under Subchapter M,
3 Chapter 56, Education Code. If the taxpayer chooses to contribute
4 the reimbursement for the grants, the taxpayer shall include the
5 amount of the reimbursement contribution with the tax payment. The
6 comptroller shall transfer money contributed under this section for
7 grants under Subchapter M, Chapter 56, Education Code, to the
8 appropriate fund.

9 SECTION 2. Section 151.424, Tax Code, is amended by
10 amending Subsection (a) and adding Subsection (a-1) to read as
11 follows:

12 (a) A taxpayer who prepays the taxpayer's tax liability of
13 taxes described by Section 151.423(b)(1) on the basis of a
14 reasonable estimate of the tax liability for a quarter in which a
15 prepayment is made or for a month in which a prepayment is made may
16 deduct and withhold 1.25 percent of the amount of the prepayment in
17 addition to the amount permitted to be deducted and withheld under
18 that section [~~Section 151.423 of this code~~]. A reasonable estimate
19 of the tax liability must be at least 90 percent of that [~~the~~] tax
20 ultimately due or the amount of that tax paid in the same quarter,
21 or month, if a monthly prepayer, in the last preceding year. Failure
22 to prepay a reasonable estimate of the tax will result in the loss
23 of the entire prepayment discount.

24 (a-1) A taxpayer may not deduct or withhold any amount under
25 this section of a prepayment of the taxpayer's tax liability for
26 taxes described by Section 151.423(b)(2).

27 SECTION 3. Section 151.423, Tax Code, as amended by this

1 Act, applies to a tax report due on or after the effective date of
2 this Act. A tax report due before the effective date of this Act is
3 governed by the law in effect on the date the tax report was due, and
4 the former law is continued in effect for that purpose.

5 SECTION 4. Section [151.424](#), Tax Code, as amended by this
6 Act, applies to a prepayment of tax liability made on or after the
7 effective date of this Act. A prepayment of tax liability made
8 before the effective date of this Act is governed by the law in
9 effect on the date the prepayment was made, and the former law is
10 continued in effect for that purpose.

11 SECTION 5. This Act takes effect October 1, 2021.