

By: Spiller

H.B. No. 4010

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the filing of certain reports by distributors of
3 certain off-highway vehicles purchased outside this state;
4 providing civil penalties.

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

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

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

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

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

16 (1-a) "Manufacturer" means a person that manufactures
17 off-highway vehicles and is required to hold a manufacturer's
18 license under Chapter 2301, Occupations Code.

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

21 Sec. 151.482. REPORTS BY MANUFACTURERS AND DISTRIBUTORS.

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

24 (a) The comptroller shall require each manufacturer and

1 distributor to file with the comptroller a report not later than
2 March 1 of each year listing each warranty issued by the
3 manufacturer or distributor for a new off-highway vehicle that was,
4 during the preceding calendar year, sold to a resident of this state
5 by a retailer located outside this state. The report must:

- 6 (1) be in a form prescribed by the comptroller; and
7 (2) contain, at a minimum, the following information
8 for each warranty:

9 (A) the vehicle identification number of the
10 vehicle;

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

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

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

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

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

25 (1) violates this subchapter; or

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

1 SECTION 6. Section [151.486](#), Tax Code, is amended to read as
2 follows:

3 Sec. 151.486. ACTION BY TEXAS DEPARTMENT OF MOTOR VEHICLES.
4 If a manufacturer or distributor fails to file a report required by
5 this subchapter or fails to file a complete report, the comptroller
6 may notify the Texas Department of Motor Vehicles of the failure and
7 the department may take administrative action against the
8 manufacturer or distributor for the failure under Chapter [2301](#),
9 Occupations Code.

10 SECTION 7. Section [151.487](#), Tax Code, is amended to read as
11 follows:

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

15 SECTION 8. Not later than March 1, 2022, a distributor shall
16 submit the first report required by Section [151.482](#), Tax Code, as
17 amended by this Act.

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