By:  Zaffirini S.B. No. 61

(In the Senate - Filed November 14, 2022; February 15, 2023, read first time and referred to Committee on Finance; March 14, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 16, Nays 0; March 14, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Huffman              X

Hinojosa             X

Bettencourt          X

Campbell             X

Creighton            X

Flores               X

Hall                 X

Hancock              X

Hughes                         X

Kolkhorst            X

Nichols              X

Paxton               X

Perry                X

Schwertner           X

West                 X

Whitmire             X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 61 By:  Zaffirini

A BILL TO BE ENTITLED

AN ACT

relating to the methods by which the comptroller may provide certain notices relating to the revocation or suspension of a permit or license or the forfeiture of corporate privileges in this state.

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

SECTION 1.  Section 111.0047, Tax Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d)  Notices under this section may be served on the holder of the permit or license personally, [~~or~~] may be mailed to the holder's address as shown in the records of the comptroller, or at the election of the holder of the permit or license, may be served by electronic means.

(e)  Service by electronic means is complete when the comptroller transmits the notice using the contact information provided to the comptroller by the holder of the permit or license as shown in the records of the comptroller.

(f)  Service by mail is complete when the notice is deposited by the comptroller in a United States Postal Service post office.

SECTION 2.  Section 151.203, Tax Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d)  Notices under this section may be served on the permit holder personally, [~~or~~] may be mailed to the permittee's address as shown in the records of the comptroller, or at the election of the holder of the permit, may be served by electronic means.

(e)  Service by electronic means is complete when the comptroller transmits the notice using the contact information provided to the comptroller by the permit holder as shown in the records of the comptroller.

(f)  Service by mail is complete when the notice is deposited by the comptroller in a United States Postal Service post office.

SECTION 3.  Section 171.251, Tax Code, is amended to read as follows:

Sec. 171.251.  FORFEITURE OF CORPORATE PRIVILEGES. The comptroller shall forfeit the corporate privileges of a corporation on which the franchise tax is imposed if the corporation:

(1)  does not file, in accordance with this chapter and within 45 days after the date notice of forfeiture is mailed or at the election of the corporation, provided by electronic means, a report required by this chapter;

(2)  does not pay, within 45 days after the date notice of forfeiture is mailed or at the election of the corporation, provided by electronic means, a tax imposed by this chapter or does not pay, within those 45 days, a penalty imposed by this chapter relating to that tax; or

(3)  does not permit the comptroller to examine under Section 171.211 [~~of this code~~] the corporation's records.

SECTION 4.  Sections 171.256(c) and (d), Tax Code, are amended to read as follows:

(c)  The comptroller shall mail the notice or at the election of the corporation, send the notice by electronic means, to the corporation at least 45 days before the forfeiture of corporate privileges. The notice shall be:

(1)  addressed to the corporation and mailed to the address named in the corporation's charter as its principal place of business or to another known place of business of the corporation if the notice is mailed to the corporation; or

(2)  sent to the corporation by electronic means using the contact information provided to the comptroller by the corporation as shown in the records of the comptroller if the notice is sent to the corporation by electronic means.

(d)  The comptroller shall keep at the comptroller's office a record of the date on which the notice is mailed or sent by electronic means. For the purposes of this chapter, the notice and the record of the [~~mailing~~] date the notice was mailed or sent by electronic means constitute legal and sufficient notice of the forfeiture.

SECTION 5.  This Act takes effect September 1, 2023.

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