

1-1 By: Kolkhorst S.B. No. 759
 1-2 (In the Senate - Filed February 25, 2015; February 25, 2015,
 1-3 read first time and referred to Committee on Finance;
 1-4 March 17, 2015, reported favorably by the following vote: Yeas 14,
 1-5 Nays 0; March 17, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Hinojosa	X			
1-9 Bettencourt	X			
1-10 Eltife	X			
1-11 Hancock	X			
1-12 Huffman	X			
1-13 Kolkhorst	X			
1-14 Nichols	X			
1-15 Schwertner	X			
1-16 Seliger	X			
1-17 Taylor of Galveston	X			
1-18 Uresti	X			
1-19 Watson	X			
1-20 West	X			
1-21 Whitmire			X	

1-23 A BILL TO BE ENTITLED
 1-24 AN ACT

1-25 relating to the repeal of certain state taxes.
 1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-27 ARTICLE 1. BINGO GROSS RENTALS TAX
 1-28 SECTION 1.01. Section 2001.103(d), Occupations Code, is
 1-29 amended to read as follows:
 1-30 (d) An organization operating under a temporary license is
 1-31 subject to:
 1-32 (1) the [~~taxes and~~] fees authorized or imposed by this
 1-33 chapter; and
 1-34 (2) the other provisions of this chapter to the extent
 1-35 they can be made applicable.
 1-36 SECTION 1.02. Section 2001.312, Occupations Code, is
 1-37 amended to read as follows:
 1-38 Sec. 2001.312. FAILURE TO FILE [~~TAX OR~~] FEE REPORTS. A
 1-39 person is not eligible for a license or a license renewal unless all
 1-40 required reports[~~, tax returns,~~] and requested information have
 1-41 been filed under this chapter.
 1-42 SECTION 1.03. Section 2001.355(b), Occupations Code, is
 1-43 amended to read as follows:
 1-44 (b) Before temporarily suspending a license, the director
 1-45 of bingo operations must follow any prehearing rules adopted by the
 1-46 commission to determine if the license holder's continued operation
 1-47 may constitute:
 1-48 (1) an immediate threat to the health, safety, morals,
 1-49 or welfare of the public; or
 1-50 (2) a financial loss to this state, which includes a
 1-51 license holder's failure to remit [~~taxes under Section 2001.501 or~~]
 1-52 prize fee payments under Section 2001.502 to the commission as
 1-53 required by that section [~~those sections~~].
 1-54 SECTION 1.04. Section 2001.437(a), Occupations Code, is
 1-55 amended to read as follows:
 1-56 (a) If the unit accounting agreement of a unit states that a
 1-57 unit manager is responsible for compliance with commission rules
 1-58 and this chapter, the unit manager is responsible for:
 1-59 (1) the filing of one quarterly report for the unit on
 1-60 a form prescribed by the commission; and
 1-61 (2) the payment of [~~taxes and~~] fees and the

2-1 maintenance of the bingo inventory and financial records of the
2-2 unit.

2-3 SECTION 1.05. Section 2001.438(f), Occupations Code, is
2-4 amended to read as follows:

2-5 (f) Each licensed authorized organization that is a member
2-6 of the unit shall be jointly and severally liable for:

2-7 (1) compliance with the requirements of this
2-8 subchapter and the rules of the commission relating to the filing of
2-9 required reports;

2-10 (2) the maintenance of bingo inventory and financial
2-11 records; and

2-12 (3) the payment of [~~taxes~~] fees[~~7~~] and any penalties
2-13 imposed for a violation of this subchapter or commission rules
2-14 related to the operations of the unit.

2-15 SECTION 1.06. The heading to Subchapter K, Chapter 2001,
2-16 Occupations Code, is amended to read as follows:

2-17 SUBCHAPTER K. [~~TAXES AND~~] PRIZE FEES

2-18 SECTION 1.07. Section 2001.504, Occupations Code, is
2-19 amended to read as follows:

2-20 Sec. 2001.504. PAYMENT AND REPORTING OF [~~TAX OR~~] FEE.

2-21 (a) A [~~tax or~~] fee on prizes authorized or imposed under this
2-22 subchapter is due and is payable by the license holder or a person
2-23 conducting bingo without a license to the commission quarterly on
2-24 or before the 25th day of the month succeeding each calendar
2-25 quarter.

2-26 (b) The report of the [~~a tax or~~] fee on prizes must be filed
2-27 under oath on forms prescribed by the commission.

2-28 (c) The commission shall adopt rules for the payment of the
2-29 fee on prizes [~~taxes and fees~~].

2-30 (d) A license holder required to file a report of the fee on
2-31 prizes [~~tax return~~] shall deliver the quarterly report [~~return~~]
2-32 with the net amount of the fee [~~tax~~] due to the commission.

2-33 [~~(e) The commission shall deposit the revenue collected~~
2-34 ~~under this section to the credit of the general revenue fund.]~~

2-35 SECTION 1.08. Section 2001.508, Occupations Code, is
2-36 amended to read as follows:

2-37 Sec. 2001.508. PENALTIES FOR FAILURE TO PAY OR REPORT.

2-38 (a) If a person fails to file a report of the fee on prizes
2-39 [~~return~~] as required by this chapter or fails to pay to the
2-40 commission the fee on prizes [~~taxes~~] imposed under this chapter
2-41 when the report [~~return~~] or payment is due, the person forfeits five
2-42 percent of the amount due as a penalty, and after the first 30 days,
2-43 the person forfeits an additional five percent.

2-44 (b) A delinquent payment of the fee on prizes [~~tax~~] accrues
2-45 interest at the rate provided by Section 111.060, Tax Code,
2-46 beginning on the 60th day after the due date.

2-47 SECTION 1.09. Section 2001.509, Occupations Code, is
2-48 amended to read as follows:

2-49 Sec. 2001.509. RECOMPUTATION OF PRIZE FEE [~~TAX~~]. If the
2-50 commission is not satisfied with a report of the fee on prizes [~~tax~~
2-51 ~~return~~] or the amount of the fee on prizes [~~tax~~] required to be
2-52 remitted under this chapter to the state by a person, the commission
2-53 may compute and determine the amount required to be paid on the
2-54 basis of:

2-55 (1) the facts contained in the report of the fee on
2-56 prizes [~~return~~] or report of receipts and expenses; or

2-57 (2) any information possessed by the commission or
2-58 that may come into the possession of the commission, without regard
2-59 to the period covered by the information.

2-60 SECTION 1.10. The heading to Section 2001.510, Occupations
2-61 Code, is amended to read as follows:

2-62 Sec. 2001.510. DETERMINATION IF NO REPORT [~~RETURN~~] MADE.

2-63 SECTION 1.11. Sections 2001.510(a) and (c), Occupations
2-64 Code, are amended to read as follows:

2-65 (a) If a license holder fails to make a required report of
2-66 the fee on prizes [~~return~~], or if a person conducts bingo without a
2-67 license, the commission shall make an estimate of the prizes
2-68 awarded at a bingo occasion [~~or of the gross rentals received by a~~
2-69 ~~license holder for the rental of premises~~]. The commission shall

3-1 make the estimate for the period in respect to which the license
3-2 holder or other person failed to make a report [~~return~~].

3-3 (c) On the basis of the commission's estimate, the
3-4 commission shall compute and determine the amount of the fee on
3-5 prizes [~~taxes or fees~~] required to be paid to the state and shall
3-6 add to that amount a penalty of 10 percent of the amount.

3-7 SECTION 1.12. Sections [2001.511](#)(a) and (c), Occupations
3-8 Code, are amended to read as follows:

3-9 (a) If the commission believes that the collection of the [~~a~~
3-10 ~~gross rental tax or~~] fee on prizes, an amount of the [~~tax or~~] fee on
3-11 prizes required to be remitted to the state, or the amount of a
3-12 determination will be jeopardized by delay, the commission shall
3-13 make a determination of the [~~tax or~~] fee on prizes or amount of the
3-14 [~~tax or~~] fee required to be collected, noting the finding of
3-15 jeopardy on the determination. The determined amount is due and
3-16 payable immediately.

3-17 (c) A delinquency penalty of 10 percent of the [~~tax or~~] fee
3-18 on prizes or amount of the [~~tax or~~] fee on prizes and interest at the
3-19 rate of 10 percent a year attaches to the amount of the [~~tax or~~] fee
3-20 on prizes or the amount of the [~~tax or~~] fee on prizes required to be
3-21 collected.

3-22 SECTION 1.13. Section [2001.512](#), Occupations Code, is
3-23 amended to read as follows:

3-24 Sec. 2001.512. APPLICATION OF TAX LAWS. (a) Subtitle B,
3-25 Title 2, Tax Code, applies to the administration, collection, and
3-26 enforcement of [~~the gross rentals tax imposed under Section~~
3-27 ~~2001.501 and~~] the fee on prizes imposed under Section [2001.502](#)
3-28 except as modified by this chapter.

3-29 (b) In applying the provisions of Subtitle B, Title 2, Tax
3-30 Code, to [~~the gross rentals tax imposed under Section 2001.501 and~~]
3-31 the fee on prizes imposed under Section [2001.502](#) only, the fee on
3-32 prizes is treated as if it were a tax and the powers and duties
3-33 assigned to the comptroller under that subtitle are assigned to the
3-34 commission.

3-35 SECTION 1.14. Section [2001.513](#)(a), Occupations Code, is
3-36 amended to read as follows:

3-37 (a) At any time within three years after a person is
3-38 delinquent in the payment of an amount of the [~~gross rentals tax or~~]
3-39 fee on prizes, the commission may collect the amount under this
3-40 section.

3-41 SECTION 1.15. Sections [2001.514](#)(a), (c), and (d),
3-42 Occupations Code, are amended to read as follows:

3-43 (a) To secure payment of [~~the tax on gross rentals or~~] the
3-44 fee on prizes imposed under this subchapter, each license holder
3-45 shall furnish to the commission:

- 3-46 (1) a cash bond;
- 3-47 (2) a bond from a surety company chartered or
3-48 authorized to do business in this state;
- 3-49 (3) certificates of deposit;
- 3-50 (4) certificates of savings;
- 3-51 (5) United States treasury bonds;
- 3-52 (6) subject to the approval of the commission, an
3-53 assignment of negotiable stocks or bonds; or
- 3-54 (7) other security as the commission considers
3-55 sufficient.

3-56 (c) On a license holder's failure to pay [~~the gross rentals~~
3-57 ~~tax or~~] the fee on prizes imposed under this subchapter, the
3-58 commission may notify the license holder and any surety of the
3-59 delinquency by jeopardy or deficiency determination. If payment is
3-60 not made when due, the commission may forfeit all or part of the
3-61 bond or security.

3-62 (d) If the license holder ceases to conduct bingo and
3-63 relinquishes the license holder's license, the commission shall
3-64 authorize the release of all bonds and other security on a
3-65 determination that no amounts of [~~the gross rentals tax or~~] the fee
3-66 on prizes remain due and payable under this subchapter.

3-67 SECTION 1.16. Section [2001.515](#), Occupations Code, is
3-68 amended to read as follows:

3-69 Sec. 2001.515. COMMISSION'S [~~TAX~~] DUTIES. The commission

4-1 shall perform all functions incident to the administration,
 4-2 collection, enforcement, and operation of the fee on prizes [~~a tax~~]
 4-3 imposed under this subchapter.

4-4 SECTION 1.17. Section 2001.501, Occupations Code, is
 4-5 repealed.

4-6 ARTICLE 2. LIQUEFIED GAS MOTOR FUELS TAX

4-7 SECTION 2.01. Section 105.001(a), Business & Commerce Code,
 4-8 is amended by adding Subdivision (3) to read as follows:

4-9 (3) "Liquefied gas" means all combustible gases that
 4-10 exist in the gaseous state at 60 degrees Fahrenheit and at a
 4-11 pressure of 14.7 pounds per square inch absolute, but does not
 4-12 include compressed natural gas, liquefied natural gas, gasoline, or
 4-13 diesel fuel, as those terms are defined by Section 162.001, Tax
 4-14 Code.

4-15 SECTION 2.02. Section 105.002(b), Business & Commerce Code,
 4-16 is amended to read as follows:

4-17 (b) This chapter does not apply to:

4-18 (1) a service station or other facility that:

4-19 (A) never provides pump island service; and

4-20 (B) has only remotely controlled pumps; or

4-21 (2) a refueling service used to provide liquefied
 4-22 gas [~~, as defined by Section 162.001, Tax Code~~].

4-23 SECTION 2.03. Subchapter H, Chapter 151, Tax Code, is
 4-24 amended by adding Section 151.361 to read as follows:

4-25 Sec. 151.361. LIQUEFIED GAS USED AS MOTOR FUEL. (a) In
 4-26 this section, "liquefied gas" means all combustible gases that
 4-27 exist in the gaseous state at 60 degrees Fahrenheit and at a
 4-28 pressure of 14.7 pounds per square inch absolute, but does not
 4-29 include compressed natural gas, liquefied natural gas, gasoline, or
 4-30 diesel fuel, as those terms are defined by Section 162.001.

4-31 (b) Liquefied gas is exempt from the taxes imposed by this
 4-32 chapter if the liquefied gas is used for the propulsion of a motor
 4-33 vehicle on the public highways of this state.

4-34 SECTION 2.04. Sections 162.001(19), (29), (38), (42), and
 4-35 (43), Tax Code, are amended to read as follows:

4-36 (19) "Diesel fuel" means kerosene or another liquid,
 4-37 or a combination of liquids blended together, offered for sale,
 4-38 sold, used, or capable of use as fuel for the propulsion of a
 4-39 diesel-powered engine. The term includes products commonly
 4-40 referred to as kerosene, light cycle oil, #1 diesel fuel, #2 diesel
 4-41 fuel, dyed or undyed diesel fuel, aviation jet fuel, renewable
 4-42 diesel, biodiesel, distillate fuel, cutter stock, or heating oil,
 4-43 but does not include compressed natural gas, liquefied natural gas,
 4-44 gasoline, or aviation gasoline [~~, or liquefied gas~~].

4-45 (29) "Gasoline" means any liquid or combination of
 4-46 liquids blended together, offered for sale, sold, used, or capable
 4-47 of use as fuel for a gasoline-powered engine. The term includes
 4-48 gasohol, aviation gasoline, and blending agents, but does not
 4-49 include compressed natural gas, liquefied natural gas, racing
 4-50 gasoline, diesel fuel, or aviation jet fuel [~~, or liquefied gas~~].

4-51 (38) "License holder" means a person licensed by the
 4-52 comptroller under Section 162.105, 162.205, [~~162.304~~, ~~162.305~~,
 4-53 ~~162.306~~,] 162.357, or 162.358.

4-54 (42) "Motor fuel" means gasoline, diesel fuel,
 4-55 [~~liquefied gas~~,] gasoline blended fuel, compressed natural gas,
 4-56 liquefied natural gas, and other products that are offered for
 4-57 sale, sold, used, or capable of use as fuel for a gasoline-powered
 4-58 engine or a diesel-powered engine.

4-59 (43) "Motor fuel transporter" means a person who
 4-60 transports gasoline, diesel fuel, gasoline blended fuel, aviation
 4-61 fuel, or any other motor fuel, except [~~liquefied gas~~,] compressed
 4-62 natural gas [~~,~~] or liquefied natural gas, outside the bulk
 4-63 transfer/terminal system by means of a transport vehicle, a
 4-64 railroad tank car, or a marine vessel. The term does not include a
 4-65 person who:

4-66 (A) is licensed under this chapter as a supplier,
 4-67 permissive supplier, or distributor; and

4-68 (B) exclusively transports gasoline, diesel
 4-69 fuel, gasoline blended fuel, aviation fuel, or any other motor fuel

5-1 to which the person retains ownership while the fuel is being
5-2 transported by the person.

5-3 SECTION 2.05. Section [162.014](#), Tax Code, is amended to read
5-4 as follows:

5-5 Sec. 162.014. OTHER MOTOR FUEL TAXES PROHIBITED. The taxes
5-6 imposed by this chapter are in lieu of any other excise or
5-7 occupation tax imposed by a political subdivision of this state on
5-8 the sale, use, or distribution of gasoline or~~[r]~~ diesel fuel~~[, or~~
5-9 ~~liquefied gas]~~.

5-10 SECTION 2.06. Section [162.312](#), Tax Code, is transferred to
5-11 Subchapter D-1, Chapter 162, Tax Code, redesignated as Section
5-12 [162.370](#), Tax Code, and amended to read as follows:

5-13 Sec. [162.370](#) [~~162.312~~]. APPLICABILITY OF SUBCHAPTER TO
5-14 CERTAIN PUBLIC TRANSPORTATION PROVIDERS USING COMPRESSED NATURAL
5-15 GAS OR LIQUEFIED NATURAL GAS. (a) This section applies only to a
5-16 person who:

5-17 (1) operates motor vehicles used to provide the
5-18 services of a transit company, including a metropolitan rapid
5-19 transit authority under Chapter 451, Transportation Code, or a
5-20 regional transportation authority under Chapter 452,
5-21 Transportation Code; and

5-22 (2) held a liquefied gas tax decal license issued
5-23 under former Subchapter D on or before August 31, 2013.

5-24 (b) Notwithstanding the other provisions of this subchapter
5-25 [Subchapter D-1], a person to which this section applies may:

5-26 (1) pay tax as provided by Subchapter D, as that
5-27 subchapter existed on January 1, 2015, [this subchapter] on
5-28 compressed natural gas or liquefied natural gas delivered into the
5-29 fuel supply tank of all motor vehicles described by Subsection
5-30 (a)(1) from a refueling facility accessible only to motor vehicles
5-31 described by Subsection (a)(1); and

5-32 (2) operate those motor vehicles on the public
5-33 highways of this state using compressed natural gas or liquefied
5-34 natural gas described by Subdivision (1).

5-35 (c) This section does not apply to compressed natural gas or
5-36 liquefied natural gas delivered into the fuel supply tank of a motor
5-37 vehicle from a refueling facility accessible to motor vehicles
5-38 other than those described by Subsection (a)(1).

5-39 (d) For purposes of this section [In this subchapter],
5-40 "liquefied gas," as that term was used in Sections [162.001](#),
5-41 [162.402](#)(a), and [162.403](#) and Subchapter D, as those provisions
5-42 existed on January 1, 2015, [gas] includes compressed natural gas
5-43 and liquefied natural gas with respect to the persons to which this
5-44 section applies. The penalties provided by Sections [162.402](#)(a) and
5-45 [162.403](#) in connection with liquefied gas, as those sections existed
5-46 on January 1, 2015, apply to a person to which this section applies.

5-47 (e) The comptroller shall adopt rules necessary to
5-48 implement this section.

5-49 SECTION 2.07. Section [162.402](#)(a), Tax Code, is amended to
5-50 read as follows:

5-51 (a) A person forfeits to the state a civil penalty of not
5-52 less than \$25 and not more than \$200 if the person:

5-53 (1) refuses to stop and permit the inspection and
5-54 examination of a motor vehicle transporting or using motor fuel on
5-55 demand of a peace officer or the comptroller;

5-56 (2) operates a motor vehicle in this state without a
5-57 valid interstate trucker's license or a trip permit when the person
5-58 is required to hold one of those licenses or permits;

5-59 (3) ~~[operates a liquefied gas-propelled motor vehicle~~
5-60 ~~that is required to be licensed in this state, including motor~~
5-61 ~~vehicles equipped with dual carburetion, and does not display a~~
5-62 ~~current liquefied gas tax decal or multistate fuels tax agreement~~
5-63 ~~decal,~~

5-64 ~~[(4) makes a tax-free sale or delivery of liquefied~~
5-65 ~~gas into the fuel supply tank of a motor vehicle that does not~~
5-66 ~~display a current Texas liquefied gas tax decal,~~

5-67 ~~[(5) makes a taxable sale or delivery of liquefied gas~~
5-68 ~~without holding a valid dealer's license,~~

5-69 ~~[(6) makes a tax-free sale or delivery of liquefied~~

6-1 ~~gas into the fuel supply tank of a motor vehicle bearing~~
 6-2 ~~out-of-state license plates;~~

6-3 ~~[(7) makes a delivery of liquefied gas into the fuel~~
 6-4 ~~supply tank of a motor vehicle bearing Texas license plates and no~~
 6-5 ~~Texas liquefied gas tax decal, unless licensed under a multistate~~
 6-6 ~~fuels tax agreement;~~

6-7 ~~[(8)] transports gasoline or diesel fuel in any cargo~~
 6-8 ~~tank that has a connection by pipe, tube, valve, or otherwise with~~
 6-9 ~~the fuel injector or carburetor of, or with the fuel supply tank~~
 6-10 ~~feeding the fuel injector or carburetor of, the motor vehicle~~
 6-11 ~~transporting the product;~~

6-12 ~~(4) [(9)] sells or delivers gasoline or diesel fuel~~
 6-13 ~~from any fuel supply tank connected with the fuel injector or~~
 6-14 ~~carburetor of a motor vehicle;~~

6-15 ~~(5) [(10)] owns or operates a motor vehicle for which~~
 6-16 ~~reports or mileage records are required by this chapter without an~~
 6-17 ~~operating odometer or other device in good working condition to~~
 6-18 ~~record accurately the miles traveled;~~

6-19 ~~(6) [(11)] furnishes to a licensed supplier or~~
 6-20 ~~distributor a signed statement for purchasing diesel fuel tax-free~~
 6-21 ~~and then uses the tax-free diesel fuel to operate a diesel-powered~~
 6-22 ~~motor vehicle on a public highway;~~

6-23 ~~(7) [(12)] fails or refuses to comply with or violates~~
 6-24 ~~a provision of this chapter;~~

6-25 ~~(8) [(13)] fails or refuses to comply with or violates~~
 6-26 ~~a comptroller's rule for administering or enforcing this chapter;~~

6-27 ~~(9) [(14)] is an importer who does not obtain an~~
 6-28 ~~import verification number when required by this chapter;~~

6-29 ~~(10) [(15)] purchases motor fuel for export, on which~~
 6-30 ~~the tax imposed by this chapter has not been paid, and subsequently~~
 6-31 ~~diverts or causes the motor fuel to be diverted to a destination in~~
 6-32 ~~this state or any other state or country other than the originally~~
 6-33 ~~designated state or country without first obtaining a diversion~~
 6-34 ~~number;~~

6-35 ~~(11) [(16)] delivers compressed natural gas or~~
 6-36 ~~liquefied natural gas into the fuel supply tank of a motor vehicle~~
 6-37 ~~and the person does not hold a valid compressed natural gas and~~
 6-38 ~~liquefied natural gas dealer's license; or~~

6-39 ~~(12) [(17)] makes a tax-free delivery of compressed~~
 6-40 ~~natural gas or liquefied natural gas into the fuel supply tank of a~~
 6-41 ~~motor vehicle, unless the delivery is exempt from tax under Section~~
 6-42 ~~162.356.~~

6-43 SECTION 2.08. Section 162.403, Tax Code, is amended to read
 6-44 as follows:

6-45 Sec. 162.403. CRIMINAL OFFENSES. Except as provided by
 6-46 Section 162.404, a person commits an offense if the person:

6-47 (1) refuses to stop and permit the inspection and
 6-48 examination of a motor vehicle transporting or using motor fuel on
 6-49 the demand of a peace officer or the comptroller;

6-50 (2) is required to hold a valid trip permit or
 6-51 interstate trucker's license, but operates a motor vehicle in this
 6-52 state without a valid trip permit or interstate trucker's license;

6-53 (3) ~~[operates a liquefied gas-propelled motor vehicle~~
 6-54 ~~that is required to be licensed in this state, including a motor~~
 6-55 ~~vehicle equipped with dual carburetion, and does not display a~~
 6-56 ~~current liquefied gas tax decal or multistate fuels tax agreement~~
 6-57 ~~decal;~~

6-58 ~~[(4)] transports gasoline or diesel fuel in any cargo~~
 6-59 ~~tank that has a connection by pipe, tube, valve, or otherwise with~~
 6-60 ~~the fuel injector or carburetor or with the fuel supply tank feeding~~
 6-61 ~~the fuel injector or carburetor of the motor vehicle transporting~~
 6-62 ~~the product;~~

6-63 ~~(4) [(5)] sells or delivers gasoline or diesel fuel~~
 6-64 ~~from a fuel supply tank that is connected with the fuel injector or~~
 6-65 ~~carburetor of a motor vehicle;~~

6-66 ~~(5) [(6)] owns or operates a motor vehicle for which~~
 6-67 ~~reports or mileage records are required by this chapter without an~~
 6-68 ~~operating odometer or other device in good working condition to~~
 6-69 ~~record accurately the miles traveled;~~

7-1 (6) [~~(7)~~] sells or delivers dyed diesel fuel for the
7-2 operation of a motor vehicle on a public highway;
7-3 (7) [~~(8)~~] uses dyed diesel fuel for the operation of a
7-4 motor vehicle on a public highway except as allowed under Section
7-5 162.235;
7-6 (8) [~~(9)~~] ~~makes a tax-free sale or delivery of~~
7-7 ~~liquefied gas into the fuel supply tank of a motor vehicle that does~~
7-8 ~~not display a current Texas liquefied gas tax decal;~~
7-9 [~~(10)~~] ~~makes a sale or delivery of liquefied gas on~~
7-10 ~~which the person knows the tax is required to be collected, if at~~
7-11 ~~the time the sale is made the person does not hold a valid dealer's~~
7-12 ~~license;~~
7-13 [~~(11)~~] ~~makes a tax-free sale or delivery of liquefied~~
7-14 ~~gas into the fuel supply tank of a motor vehicle bearing~~
7-15 ~~out-of-state license plates;~~
7-16 [~~(12)~~] ~~makes a delivery of liquefied gas into the fuel~~
7-17 ~~supply tank of a motor vehicle bearing Texas license plates and no~~
7-18 ~~Texas liquefied gas tax decal, unless licensed under a multistate~~
7-19 ~~fuels tax agreement;~~
7-20 [~~(13)~~] refuses to permit the comptroller or the
7-21 attorney general to inspect, examine, or audit a book or record
7-22 required to be kept by a license holder, other user, or any person
7-23 required to hold a license under this chapter;
7-24 (9) [~~(14)~~] refuses to permit the comptroller or the
7-25 attorney general to inspect or examine any plant, equipment,
7-26 materials, or premises where motor fuel is produced, processed,
7-27 blended, stored, sold, delivered, or used;
7-28 (10) [~~(15)~~] refuses to permit the comptroller, the
7-29 attorney general, an employee of either of those officials, a peace
7-30 officer, an employee of the Texas Commission on Environmental
7-31 Quality, or an employee of the Department of Agriculture to measure
7-32 or gauge the contents of or take samples from a storage tank or
7-33 container on premises where motor fuel is produced, processed,
7-34 blended, stored, sold, delivered, or used;
7-35 (11) [~~(16)~~] is a license holder, a person required to
7-36 be licensed, or another user and fails or refuses to make or deliver
7-37 to the comptroller a report required by this chapter to be made and
7-38 delivered to the comptroller;
7-39 (12) [~~(17)~~] is an importer who does not obtain an
7-40 import verification number when required by this chapter;
7-41 (13) [~~(18)~~] purchases motor fuel for export, on which
7-42 the tax imposed by this chapter has not been paid, and subsequently
7-43 diverts or causes the motor fuel to be diverted to a destination in
7-44 this state or any other state or country other than the originally
7-45 designated state or country without first obtaining a diversion
7-46 number;
7-47 (14) [~~(19)~~] conceals motor fuel with the intent of
7-48 engaging in any conduct proscribed by this chapter or refuses to
7-49 make sales of motor fuel on the volume-corrected basis prescribed
7-50 by this chapter;
7-51 (15) [~~(20)~~] refuses, while transporting motor fuel,
7-52 to stop the motor vehicle the person is operating when called on to
7-53 do so by a person authorized to stop the motor vehicle;
7-54 (16) [~~(21)~~] refuses to surrender a motor vehicle and
7-55 cargo for impoundment after being ordered to do so by a person
7-56 authorized to impound the motor vehicle and cargo;
7-57 (17) [~~(22)~~] mutilates, destroys, or secretes a book or
7-58 record required by this chapter to be kept by a license holder,
7-59 other user, or person required to hold a license under this chapter;
7-60 (18) [~~(23)~~] is a license holder, other user, or other
7-61 person required to hold a license under this chapter, or the agent
7-62 or employee of one of those persons, and makes a false entry or
7-63 fails to make an entry in the books and records required under this
7-64 chapter to be made by the person or fails to retain a document as
7-65 required by this chapter;
7-66 (19) [~~(24)~~] transports in any manner motor fuel under
7-67 a false cargo manifest or shipping document, or transports in any
7-68 manner motor fuel to a location without delivering at the same time
7-69 a shipping document relating to that shipment;

8-1 (20) [~~(25)~~] engages in a motor fuel transaction that
8-2 requires that the person have a license under this chapter without
8-3 then and there holding the required license;

8-4 (21) [~~(26)~~] makes and delivers to the comptroller a
8-5 report required under this chapter to be made and delivered to the
8-6 comptroller, if the report contains false information;

8-7 (22) [~~(27)~~] forges, falsifies, or alters an invoice or
8-8 shipping document prescribed by law;

8-9 (23) [~~(28)~~] makes any statement, knowing said
8-10 statement to be false, in a claim for a tax refund filed with the
8-11 comptroller;

8-12 (24) [~~(29)~~] furnishes to a licensed supplier or
8-13 distributor a signed statement for purchasing diesel fuel tax-free
8-14 and then uses the tax-free diesel fuel to operate a diesel-powered
8-15 motor vehicle on a public highway;

8-16 (25) [~~(30)~~] holds an aviation fuel dealer's license
8-17 and makes a taxable sale or use of any gasoline or diesel fuel;

8-18 (26) [~~(31)~~] fails to remit any tax funds collected or
8-19 required to be collected by a license holder, another user, or any
8-20 other person required to hold a license under this chapter;

8-21 (27) [~~(32)~~] makes a sale of dyed diesel fuel tax-free
8-22 into a storage facility of a person who:
8-23 (A) is not licensed as a distributor, as an
8-24 aviation fuel dealer, or as a dyed diesel fuel bonded user; or
8-25 (B) does not furnish to the licensed supplier or
8-26 distributor a signed statement prescribed in Section 162.206;

8-27 (28) [~~(33)~~] makes a sale of gasoline tax-free to any
8-28 person who is not licensed as an aviation fuel dealer;

8-29 (29) [~~(34)~~] purchases any motor fuel tax-free when not
8-30 authorized to make a tax-free purchase under this chapter;

8-31 (30) [~~(35)~~] purchases motor fuel with the intent to
8-32 evade any tax imposed by this chapter or accepts a delivery of motor
8-33 fuel by any means and does not at the same time accept or receive a
8-34 shipping document relating to the delivery;

8-35 (31) [~~(36)~~] transports motor fuel for which a cargo
8-36 manifest or shipping document is required to be carried without
8-37 possessing or exhibiting on demand by an officer authorized to make
8-38 the demand a cargo manifest or shipping document containing the
8-39 information required to be shown on the manifest or shipping
8-40 document;

8-41 (32) [~~(37)~~] imports, sells, uses, blends,
8-42 distributes, or stores motor fuel within this state on which the
8-43 taxes imposed by this chapter are owed but have not been first paid
8-44 to or reported by a license holder, another user, or any other
8-45 person required to hold a license under this chapter;

8-46 (33) [~~(38)~~] blends products together to produce a
8-47 blended fuel that is offered for sale, sold, or used and that
8-48 expands the volume of the original product to evade paying
8-49 applicable motor fuel taxes;

8-50 (34) [~~(39)~~] evades or attempts to evade in any manner
8-51 a tax imposed on motor fuel by this chapter;

8-52 (35) [~~(40)~~] delivers compressed natural gas or
8-53 liquefied natural gas into the fuel supply tank of a motor vehicle
8-54 and the person does not hold a valid compressed natural gas and
8-55 liquefied natural gas dealer's license; or

8-56 (36) [~~(41)~~] makes a tax-free delivery of compressed
8-57 natural gas or liquefied natural gas into the fuel supply tank of a
8-58 motor vehicle, unless the delivery is exempt from tax under Section
8-59 162.356.

8-60 SECTION 2.09. Section 548.104(d), Transportation Code, is
8-61 amended to read as follows:

8-62 (d) An inspection station or inspector may not issue a
8-63 passing vehicle inspection report for a vehicle equipped with:

8-64 (1) ~~[a carburetion device permitting the use of~~
8-65 ~~liquefied gas alone or interchangeably with another fuel, unless a~~
8-66 ~~valid liquefied gas tax decal issued by the comptroller is attached~~
8-67 ~~to the lower right-hand corner of the front windshield of the~~
8-68 ~~vehicle on the passenger side,~~

8-69 [~~(2)~~] a sunscreening device prohibited by Section

9-1 547.613, except that the department by rule shall provide
9-2 procedures for issuance of a passing vehicle inspection report for
9-3 a vehicle exempt under Section 547.613(c); or

9-4 (2) [~~3~~] a compressed natural gas container unless
9-5 the owner demonstrates in accordance with department rules proof:

9-6 (A) that:

9-7 (i) the container has met the inspection
9-8 requirements under 49 C.F.R. Section 571.304; and

9-9 (ii) the manufacturer's recommended service
9-10 life for the container, as stated on the container label required by
9-11 49 C.F.R. Section 571.304, has not expired; or

9-12 (B) that the vehicle is a fleet vehicle for which
9-13 the fleet operator employs a technician certified to inspect the
9-14 container.

9-15 SECTION 2.10. The following provisions of the Tax Code are
9-16 repealed:

9-17 (1) Sections 162.001(39) and (40);

9-18 (2) the heading to Subchapter D, Chapter 162; and

9-19 (3) Sections 162.301, 162.302, 162.3021, 162.3022,
9-20 162.303, 162.304, 162.305, 162.306, 162.307, 162.308, 162.309,
9-21 162.310, 162.311, and 162.505.

9-22 SECTION 2.11. The change in law made by this article to
9-23 Section 162.402(a), Tax Code, applies only to a violation that
9-24 occurs on or after the effective date of this Act. A violation that
9-25 occurred before the effective date of this Act is governed by the
9-26 law in effect on the date the violation occurred, and the former law
9-27 is continued in effect for that purpose.

9-28 SECTION 2.12. The change in law made by this article to
9-29 Section 162.403, Tax Code, applies only to an offense committed on
9-30 or after the effective date of this Act. An offense committed
9-31 before the effective date of this Act is governed by the law in
9-32 effect on the date the offense was committed, and the former law is
9-33 continued in effect for that purpose. For purposes of this section,
9-34 an offense was committed before the effective date of this Act if
9-35 any element of the offense occurred before that date.

9-36 SECTION 2.13. A person who holds a liquefied gas tax decal
9-37 license under Section 162.305, Tax Code, that is valid on or after
9-38 the effective date of this Act may, not later than December 31,
9-39 2015, apply to the comptroller of public accounts for and obtain a
9-40 pro rata refund of the unused portion of the advanced taxes paid for
9-41 the period after the effective date of this Act. The comptroller
9-42 shall provide application forms for refunds under this section.

9-43 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

9-44 SECTION 3.01. The changes in law made by this Act do not
9-45 affect taxes imposed before the effective date of this Act, and the
9-46 law in effect before the effective date of this Act is continued in
9-47 effect for purposes of the liability for and collection of those
9-48 taxes.

9-49 SECTION 3.02. This Act takes effect September 1, 2015.

9-50 * * * * *