

1-1 By: Springer S.B. No. 586  
 1-2 (In the Senate - Filed February 4, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Transportation;  
 1-4 April 14, 2021, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; April 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the filing of certain reports by distributors of  
 1-20 certain off-highway vehicles purchased outside this state;  
 1-21 providing civil penalties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Subchapter I-2, Chapter 151, Tax  
 1-24 Code, is amended to read as follows:

1-25 SUBCHAPTER I-2. REPORTS BY MANUFACTURERS AND DISTRIBUTORS OF  
 1-26 CERTAIN OFF-HIGHWAY VEHICLES PURCHASED OUTSIDE THIS STATE

1-27 SECTION 2. Section 151.481, Tax Code, is amended by  
 1-28 amending Subdivision (1) and adding Subdivision (1-a) to read as  
 1-29 follows:

1-30 (1) "Distributor" means a person that distributes  
 1-31 off-highway vehicles and is required to hold a distributor's  
 1-32 license under Chapter 2301, Occupations Code.

1-33 (1-a) "Manufacturer" means a person that manufactures  
 1-34 off-highway vehicles and is required to hold a manufacturer's  
 1-35 license under Chapter 2301, Occupations Code.

1-36 SECTION 3. The heading to Section 151.482, Tax Code, is  
 1-37 amended to read as follows:

1-38 Sec. 151.482. REPORTS BY MANUFACTURERS AND DISTRIBUTORS.

1-39 SECTION 4. Section 151.482(a), Tax Code, is amended to read  
 1-40 as follows:

1-41 (a) The comptroller shall require each manufacturer and  
 1-42 distributor to file with the comptroller a report not later than  
 1-43 March 1 of each year listing each warranty issued by the  
 1-44 manufacturer or distributor for a new off-highway vehicle that was,  
 1-45 during the preceding calendar year, sold to a resident of this state  
 1-46 by a retailer located outside this state. The report must:

1-47 (1) be in a form prescribed by the comptroller; and  
 1-48 (2) contain, at a minimum, the following information  
 1-49 for each warranty:

1-50 (A) the vehicle identification number of the  
 1-51 vehicle;

1-52 (B) the make, model, and model year of the  
 1-53 vehicle; and

1-54 (C) the name and address, including street name  
 1-55 and number, city, and zip code, of the purchaser of the vehicle.

1-56 SECTION 5. Section 151.485, Tax Code, is amended to read as  
 1-57 follows:

1-58 Sec. 151.485. CIVIL PENALTY. (a) If a manufacturer or  
 1-59 distributor fails to file a report required by this subchapter or  
 1-60 fails to file a complete report, the comptroller may impose a civil  
 1-61 penalty under Section 151.703(d).

2-1 (b) In addition to the penalty imposed under Subsection (a),  
2-2 a manufacturer or distributor shall pay the state a civil penalty of  
2-3 not less than \$25 or more than \$2,000 for each day a violation  
2-4 continues if the manufacturer or distributor:

2-5 (1) violates this subchapter; or

2-6 (2) violates a rule adopted to administer or enforce  
2-7 this subchapter.

2-8 SECTION 6. Section 151.486, Tax Code, is amended to read as  
2-9 follows:

2-10 Sec. 151.486. ACTION BY TEXAS DEPARTMENT OF MOTOR VEHICLES.  
2-11 If a manufacturer or distributor fails to file a report required by  
2-12 this subchapter or fails to file a complete report, the comptroller  
2-13 may notify the Texas Department of Motor Vehicles of the failure and  
2-14 the department may take administrative action against the  
2-15 manufacturer or distributor for the failure under Chapter 2301,  
2-16 Occupations Code.

2-17 SECTION 7. Section 151.487, Tax Code, is amended to read as  
2-18 follows:

2-19 Sec. 151.487. AUDIT; INSPECTION. The comptroller may  
2-20 audit, inspect, or otherwise verify a manufacturer's or  
2-21 distributor's compliance with this subchapter.

2-22 SECTION 8. Not later than March 1, 2022, a distributor shall  
2-23 submit the first report required by Section 151.482, Tax Code, as  
2-24 amended by this Act.

2-25 SECTION 9. This Act takes effect September 1, 2021.

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