

BILL ANALYSIS

C.S.H.B. 991
By: Bohac
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there is a need for more consumer transparency concerning retail motor fuel taxes. C.S.H.B. 991 seeks to remedy this situation by requiring certain notice of federal and state motor fuel tax rates.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 991 amends the Agriculture Code to require the Department of Agriculture to display on each motor fuel pump from which motor fuel is sold at retail a notice of the current rates of the federal and state motor fuel taxes. The bill requires the notice to display the current rate of each tax, in cents per gallon, for each type of motor fuel; to be displayed on each face of the motor fuel pump on which the price of the motor fuel sold from the pump is displayed; and to be displayed in a clear, conspicuous, and prominent manner.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 991 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 111 to read as follows:

CHAPTER 111. NOTICE REQUIRED FOR MOTOR FUEL SOLD AT RETAIL
Sec. 111.001. NOTICE OF MOTOR FUEL

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 17, Agriculture Code, is amended by adding Section 17.0515 to read as follows:

Sec. 17.0515. NOTICE OF MOTOR FUEL

TAX RATES. (a) In this section, "motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(b) A person who sells motor fuel at retail shall display on each motor fuel pump at the retail location a notice of the current rates of the federal and state motor fuel taxes. The notice must:

- (1) display the current rate of each tax, in cents per gallon, for each type of motor fuel;
- (2) be displayed on each face of the motor fuel pump on which the price of the motor fuel sold from the pump is displayed; and
- (3) be displayed in a clear, conspicuous, and prominent manner.

(c) A person who violates this section is liable to the state for a civil penalty in an amount not to exceed \$500 for each calendar month in which a violation occurs. The civil penalty may not be imposed for more than one violation that occurs in a month. The attorney general or the appropriate prosecuting attorney in the county in which the violation occurs may bring an action to recover the civil penalty imposed under this section.

SECTION 2. This Act takes effect January 1, 2016.

TAX RATES.

The department shall display on each motor fuel pump from which motor fuel is sold at retail a notice of the current rates of the federal and state motor fuel taxes. The notice must:

- (1) display the current rate of each tax, in cents per gallon, for each type of motor fuel;
- (2) be displayed on each face of the motor fuel pump on which the price of the motor fuel sold from the pump is displayed; and
- (3) be displayed in a clear, conspicuous, and prominent manner.

SECTION 2. Same as introduced version.