expiration of 180 days from the effective date of coverage with regard to any condition for which:

1. the existence of symptoms would cause an ordinarily prudent person to seek diagnosis, care, or treatment within the six-month period preceding the effective date of coverage; or

2. medical advice, care, or treatment was recommended or received during the six-month period preceding the effective date of coverage.

SECTION 11. (a) Sections 1251.253 and 1271.302, Insurance Code, as amended by this Act, apply only to:

1. a request for continuation of group coverage that an employee, member, dependent, or enrollee becomes eligible to make on or after the effective date of this Act; or

2. a request for continuation of group coverage that an employee, member, dependent, or enrollee became eligible to make before the effective date of this Act, provided that the election period available to the employee, member, dependent, or enrollee under Section 1251.253 or 1271.302, Insurance Code, as those sections existed before amendment by this Act, has not expired as of the effective date of this Act.

(b) A request for continuation of group coverage that an employee, member, dependent, or enrollee became eligible to make before the effective date of this Act and that, on the effective date of this Act, the employee, member, dependent, or enrollee is no longer eligible to make, is governed by the law as it existed before the effective date of this Act, and that law is continued in effect for that purpose. This subsection does not apply to an employee, member, dependent, or enrollee who is an extended election eligible individual to whom Chapter 1202A, Insurance Code, as added by this Act, applies.

SECTION 12. Sections 1251.254 and 1271.303, Insurance Code, as amended by this Act, apply only to a payment for continuation coverage required to be made on or after the effective date of this Act. A payment for continuation coverage required to be made before the effective date of this Act is governed by the law as it existed before that date, and that law is continued in effect for that purpose.

SECTION 13. Sections 1251.255 and 1271.304, Insurance Code, as amended by this Act, apply to coverage for which an election to continue was made on or after the effective date of this Act.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 14, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.
maintained by the obligee. It is the responsibility of the obligee to notify the state
disbursement unit of:

(1) the existence of an account;
(2) the appropriate routing information for direct deposit by electronic funds transfer
into an account; and
(3) any modification to account information previously provided to the state disburse-
ment unit, including information that an account has been closed.

(b) Except as provided by Subsection (d), the state disbursement unit shall deposit a child
support payment by electronic funds transfer into a debit card account established for the
obligee by the Title IV-D agency if the obligee:

(1) does not maintain an account with a financial institution;
(2) fails to notify the state disbursement unit of the existence of an account maintained
with a financial institution; or
(3) closes an account maintained with a financial institution previously used to accept
direct deposit of a child support payment without establishing a new account and
notifying the state disbursement unit of the new account in accordance with Subsection (a)
[The work group convened under this subchapter may develop a plan to assist an obligee
who does not have an account with a financial institution to obtain an account].

(c) The Title IV-D agency shall:

(1) issue a debit card to each obligee for whom a debit card account is established under
Subsection (b); and
(2) provide the obligee with instructions for activating and using the debit card
[work group may determine whether it is feasible and cost effective for the state to administer an
electronic benefits transfer system for child support obligees and may recommend imple-
mentation of such a system to the Title IV-D agency].

(d) An obligee may decline in writing to receive child support payments by electronic
funds transfer into an account with a financial institution or a debit card account and
request that payments be provided by paper warrants if the obligee alleges that receiving
payments by electronic funds transfer would impose a substantial hardship [After receiving
any recommendations by the work group under Subsection (e), the Title IV-D agency or the
vendor selected by the Title IV-D agency to operate the state disbursement unit may provide
for electronic benefits transfer, if the request for proposals issued by the Title IV-D agency
and any contract resulting from the selection of a vendor to provide the services specified in
the request for proposals provides for electronic benefits transfer].

(e) A child support payment disbursed by the state disbursement unit by electronic funds
transfer into an account with a financial institution maintained by the obligee or into a
debit card account established for the obligee under Subsection (b) is solely the property of
the obligee [The work group may recommend and the Title IV-D agency may establish
procedures to implement this section].

(f) The Title IV-D agency, after receiving the recommendation of the work group, may
require an obligee to receive payments by direct deposit to the obligee’s bank account or by
electronic benefits transfer to an account established by the Title IV-D agency or the state
disbursement unit if the account is established at no cost to the obligee.

SECTION 2. Section 72.101, Property Code, is amended by adding Subsection (e) to read
as follows:

(e) This section does not apply to money collected as child support that:

(1) is being held for disbursement by the state disbursement unit under Chapter 234,
Family Code, or a local registry, as defined by Section 101.018, Family Code, pending
identification and location of the person to whom the money is owed; or
(2) has been disbursed by the state disbursement unit under Chapter 234, Family Code,
by electronic funds transfer into a child support debit card account established for an
individual under Section 234.010, Family Code, but not activated by the individual.
(1) “Account” means funds deposited with a depository in an interest-bearing account, a checking or savings account, or a child support debit card account established under Section 234.010, Family Code, or funds received by a depository in exchange for the purchase of a stored value card.

SECTION 4. Section 234.011, Family Code, is repealed.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 23, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 552

S.B. No. 1782

AN ACT

relating to the deferral by a licensed distributor or importer of payment of gasoline and diesel fuel taxes and credits authorized for certain of those deferrals.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 162.113, Tax Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) The supplier or permissive supplier [has the right], after requesting a credit [notifying the comptroller of the licensed distributor's or licensed importer's failure to remit taxes] under this section, shall [to] terminate the ability of the licensed distributor or licensed importer to defer the payment of gasoline tax. The supplier or permissive supplier may not [shall] reinstate [without delay] the right of the licensed distributor or licensed importer to defer the payment of gasoline tax until the first anniversary of the date the supplier or permissive supplier requested the credit, subject to Subsection (d-1).

(d-1) A supplier or permissive supplier may reinstate the right of a licensed distributor or licensed importer to defer the payment of gasoline tax before the date prescribed by Subsection (d) if the comptroller determines that:

(1) the supplier or permissive supplier erroneously requested the credit that resulted in the termination of the licensed distributor's or licensed importer's right to defer payment; or

(2) the licensed distributor or licensed importer failed to pay gasoline taxes due because of circumstances that may have been outside the distributor's or importer's control [after the comptroller provides to the supplier or permissive supplier notice that the licensed distributor or licensed importer is in good standing with the comptroller for the purposes of the gasoline tax imposed under this subchapter].

SECTION 2. Subsection (c), Section 162.116, Tax Code, is amended to read as follows:

(c) A supplier or permissive supplier may take a credit for any taxes that were not remitted in a previous period to the supplier or permissive supplier by a licensed distributor or licensed importer as required by Section 162.113. The supplier or permissive supplier is eligible to take the credit if the comptroller is notified of the default within 15 [60] days after the default occurs. If a license holder pays to a supplier or permissive supplier the tax owed, but the payment occurs after the supplier or permissive supplier has taken a credit on its return, the supplier or permissive supplier shall remit the payment to the comptroller with the next monthly return after receipt of the tax, plus a penalty of 10 percent of the amount of unpaid taxes and interest at the rate provided by Section 111.060 beginning on the date the credit was taken.