

BILL ANALYSIS

Senate Research Center
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S.B. 267
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 267 seeks to clarify that a gift tax affidavit is used properly and as it was originally intended by legislators. The bill requires that one of the parties involved in the "gifting" of a vehicle must submit the notarized Gift Affidavit to the local tax office. That person must also present a valid form of identification – either a driver's license, personal identification card, or a military identification card containing the person's photo. In addition to these requirements, the bill also explicitly prohibits a vehicle title service company from submitting these forms. This will help eliminate fraud and is in line with the intended purpose of the tax exemption (i.e. a transaction between related parties).

As proposed, S.B. 267 amends current law relating to a joint statement regarding the transfer of a motor vehicle as the result of a gift.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 152.062, Tax Code, by amending Subsection (b-1) and adding Subsection (b-2), as follows:

(b-1) Requires that a joint statement required by Subsection (b)(3) (requiring a joint statement by the principle parties) be:

(1) notarized; and

(2) filed in person by one of the principal parties, who must also present to the tax assessor-collector the person's current driver's license or personal identification card issued by this state or another state or a military identification card with the person's photograph.

(b-2) Prohibits a joint statement required by Subsection (b)(3) from being filed by a motor vehicle title service, as defined by Section 520.051 (Definitions), Transportation Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Provides that the change in law made by this Act does not affect tax liability accruing before the effective date of this Act. Provides that the tax liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 4. Effective date: September 1, 2011.