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AN ACT

relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 152.0215, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] surcharge is imposed on every retail sale, lease, or use of every on-road diesel motor vehicle that is over 14,000 pounds and that is sold, leased, or used in this state. The amount of the surcharge for a vehicle of a model year 1996 or earlier is 2.5 percent of the total consideration and for a vehicle of a model year 1997 or later, one percent of the total consideration.

(a-1) The surcharge does not apply to a recreational vehicle, as that term is defined by Section 522.004(b), Transportation Code, that is not held or used for the production of income.

SECTION 2. This Act applies only to taxes imposed on or after the effective date of this Act. Taxes imposed before the effective date of this Act are governed by the law in effect on the date the taxes are imposed, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.

David Newkirk  
President of the Senate

Jim Cusick  
Speaker of the House

I hereby certify that S.B. No. 867 passed the Senate on April 26, 2005, by the following vote: Yeas 27, Nays 0.

Patricia Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 867 passed the House on May 25, 2005, by a non-record vote.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:10 PM O'CLOCK

Roger Williams  
Secretary of State