

H.B. No. 1772

AN ACT

relating to the documentation required for the purchase of certain timber products; creating a criminal offense.

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

SECTION 1. The heading to Subchapter A, Chapter 151, Natural Resources Code, is amended to read as follows:

SUBCHAPTER A. REQUIRED DOCUMENTATION [~~BILL OF SALE~~] FOR
PURCHASE OF TREES AND TIMBER

SECTION 2. Section 151.002(a), Natural Resources Code, is amended to read as follows:

(a) The bill of sale, which may be filed of record in the

appropriate real property records, shall at a minimum include:

(1) the name of the:

(A) owner of the land from which the trees, timber, logs, pulpwood, or in-woods chips were or are to be obtained;

(B) seller, if the seller is not the owner of the land; and

(C) purchaser;

(2) the name of the county containing the tract of land from which the trees, timber, logs, pulpwood, or in-woods chips were or are to be obtained and:

(A) a legal survey, abstract, and tract number of that [description of the survey or] tract of land; [from which the trees, timber, logs, pulpwood, or in-woods chips were or are to be obtained,] or

(B) information from which the identity of that tract of land may be ascertained, [~~but in any event~~] including the property address or GPS coordinates [~~the county name~~];

(3) a general description of the trees, timber, logs, pulpwood, or in-woods chips conveyed in the bill of sale; and

(4) representations and a warranty from the seller that the seller is the lawful owner of all the trees, timber, logs, pulpwood, or in-woods chips conveyed in the bill of sale and that the trees, timber, logs, pulpwood, or in-woods chips are free and clear of all liens, security agreements, encumbrances, claims, demands, and charges.

SECTION 3. Section 151.003, Natural Resources Code, is amended to read as follows:

Sec. 151.003. RETENTION OF BILL OF SALE. A person that purchases trees, timber, logs, pulpwood, or in-woods chips shall

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retain the bill of sale for not less than five [~~two~~] years following the later of the date of execution of the bill of sale or the expiration date referenced in the bill of sale.

SECTION 4. Subchapter A, Chapter 151, Natural Resources Code, is amended by adding Section 151.0035 to read as follows:

Sec. 151.0035. DOCUMENTATION OF DELIVERY REQUIRED FOR CERTAIN PURCHASES. (a) A timber purchaser, as defined by Section 151.101, who purchases timber on a pay-per-unit sale shall provide documentation to the beneficiary described by Section 151.104 that proves delivery for any product delivered to a mill, wood yard, transfer yard, or storage yard.

(b) Documentation required under Subsection (a) must:

(1) include:

(A) a description of the delivered product;

(B) the name and location of the mill, wood yard,

transfer yard, or storage yard to which the product was delivered;

(C) the site identification number or scale ticket
number for the delivered product;

(D) the net weight of the delivered product;

(E) the name of the person delivering the product;

and

(F) the name of the person or entity receiving
payment for the product, if different from the person delivering
the product; and

(2) be provided on or before the 45th day after the
date the product is delivered.

SECTION 5. Section 151.004, Natural Resources Code, is amended to read as follows:

Sec. 151.004. NOTICE CONCERNING SALE OR PURCHASE OF TREES OR TIMBER. At each designated point of delivery for trees, timber,

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logs, pulpwood, or in-woods chips, a wood yard, transfer yard, mill site, or storage yard shall post the following written notice in lettering not less than one inch:

NOTICE CONCERNING SALE OR PURCHASE OF TREES OR TIMBER

1. A seller or purchaser of trees, timber, logs, pulpwood, or in-woods chips who knowingly fails to provide, obtain, or retain a bill of sale as provided in Chapter 151, Natural Resources Code, is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500 for each offense.

2. A person, firm, partnership, or corporation adjudged guilty of theft or fraud in connection with the sale or purchase of trees or timber will be punished as provided by the Penal Code.

3. A timber purchaser who knowingly fails to provide

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documentation as required by Section 151.0035, Natural Resources Code, or a timber purchaser or person acting on behalf of a timber purchaser who knowingly provides false information in documentation required by that section will be punished as provided by Section 151.005, Natural Resources Code.

4. The Texas A&M Forest Service Timber Theft Hotline is 1-800-364-3470.

SECTION 6. Section 151.005, Natural Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A timber purchaser, as defined by Section 151.101, who knowingly fails to provide the documentation required by Section 151.0035 in the manner provided by that section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500 for each offense.

(d) Except as otherwise provided by this section, a timber purchaser, as defined by Section 151.101, or a firm, partnership, or agent acting on behalf of a timber purchaser, who knowingly provides false information in documentation required by Section 151.0035 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500 for each offense. If an offense described by this subsection was committed to conceal or to attempt to conceal an offense under Section 151.052 or 151.105, the offense under this subsection is:

(1) a state jail felony if it is shown on the trial of the offense that the value of the timber purchased is at least \$500 but less than \$20,000;

(2) a felony of the third degree if it is shown on the trial of the offense that the value of the timber purchased is at least \$20,000 but less than \$100,000;

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(3) a felony of the second degree if it is shown on the trial of the offense that the value of the timber purchased is at least \$100,000 but less than \$200,000; or

(4) a felony of the first degree if it is shown on the trial of the offense that the value of the timber purchased is at least \$200,000.

(e) A seller or a firm, partnership, or agent acting on behalf of the seller who knowingly provides in the bill of sale required by Section 151.001 false information that is required by Section 151.002 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500 for each offense. If an offense described by this subsection was committed to conceal or to attempt to conceal an offense under Section 151.052 or 151.105, the offense is:

(1) a state jail felony if it is shown on the trial of

the offense that the value of the timber purchased is at least \$500 but less than \$20,000;

(2) a felony of the third degree if it is shown on the trial of the offense that the value of the timber purchased is at least \$20,000 but less than \$100,000;

(3) a felony of the second degree if it is shown on the trial of the offense that the value of the timber purchased is at least \$100,000 but less than \$200,000; or

(4) a felony of the first degree if it is shown on the trial of the offense that the value of the timber purchased is at least \$200,000.

SECTION 7. Section 151.003, Natural Resources Code, as amended by this Act, applies only to the bill of sale for a transaction for which the date of execution of the bill of sale or the expiration date referenced in the bill of sale occurs on or

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after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2023.

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President of the Senate

Speaker of the House

I certify that H.B. No. 1772 was passed by the House on April 21, 2023, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1772 was passed by the Senate on May 12, 2023, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor

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