

1 missile, but does include:

2 (1) a fixed wing, heavier-than-air craft that is
3 driven by propeller or jet and supported by the dynamic reaction of
4 the air against its wings;

5 (2) a helicopter; and

6 (3) an airplane flight simulation training device
7 [~~simulator~~] approved by the Federal Aviation Administration [~~for~~
8 ~~use as a Phase II or higher flight simulator~~] under Appendices A and
9 B [~~Appendix H~~], 14 C.F.R. Part 60 [~~121~~].

10 SECTION 10. Subchapter E, Chapter 152, Tax Code, is amended
11 by adding Section 152.090 to read as follows:

12 Sec. 152.090. CERTAIN HYDROGEN-POWERED MOTOR VEHICLES. (a)
13 In this section, "hydrogen-powered motor vehicle" means a vehicle
14 that meets the Phase II standards established by the California Air
15 Resources Board as of September 1, 2007, for an ultra low-emission
16 vehicle II or stricter Phase II emission standards established by
17 that board and:

18 (1) is hydrogen power capable and has a fuel economy
19 rating of at least 45 miles per gallon; or

20 (2) is fully hydrogen-powered.

21 (b) The taxes imposed by this chapter do not apply to the
22 sale or use of a hydrogen-powered motor vehicle.

23 SECTION 11. Section 321.203, Tax Code, is amended by
24 amending Subsections (b), (c), (d), and (e) and adding Subsection
25 (n) to read as follows:

26 (b) If a retailer has only one place of business in this
27 state, all of the retailer's retail sales of taxable items