

BILL ANALYSIS

Senate Research Center
79R17372 JMM-F

C.S.H.B. 2243
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Business & Commerce
5/12/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

During the 78th Legislature, Regular Session, 2003, legislation was passed that regulated locksmiths in Texas for the first time. The purpose of this legislation was to protect the public from unscrupulous locksmiths by ensuring that locksmiths undergo criminal background checks and become subject to statutory regulations and oversight by the Texas Department of Public Safety (DPS) and other law enforcement.

C.S.H.B. 2243 corrects two drafting errors from that legislative session and harmonizes the statutory language with current DPS rules. C.S.H.B. 2243 also requires that a government-issued form of identification be shown during the process of using a locksmith.

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 1702.1056, Occupations Code, to provide that a person acts as a locksmith company for the purposes of this chapter if the person services mechanical security devices, including deadbolts and locks, and meets certain other requirements. Provides that this section does not apply to a hotel, as that term is defined by Section 156.001, Tax Code.

SECTION 2. Amends Section 1702.2227, Occupations Code, to make conforming changes.

SECTION 3. Amends Subchapter L, Chapter 1702, Occupations Code, by adding Section 1702.286, as follows:

Sec. 1702.286. CUSTOMER AUTHORIZATION REQUIRED FOR CERTAIN LOCKSMITH SERVICES. Prohibits a locksmith company or locksmith from performing services for a customer who seeks entry to a structure, motor vehicle, or other property unless the customer, in the course of the transaction, shows the locksmith company or locksmith a government-issued identification and provides a signed authorization stating that the customer owns or is otherwise entitled to legal access to the structure, motor vehicle, or other property. Provides that a locksmith company or locksmith is exempt from this section if the locksmith is requested to perform services in a case of imminent threat to a person or property.

SECTION 4. Reenacts and amends Section 1702.324(b), Occupations Code, as amended by Chapters 936, 1237, and 1276, Acts of the 78th Legislature, Regular Session, 2003, to provide that this chapter does not apply to a retailer, wholesaler, or other person who sells mechanical security devices, including locks and deadbolts, but who does not service mechanical security devices for the public outside of the person's premises or claim to act as a locksmith.

SECTION 5. Provides that, to the extent of any conflict, this Act prevails over another Act of the 79th Legislature, Regular Session, 2005, relating to nonsubstantive additions and corrections in enacted codes.

SECTION 6. Effective date: September 1, 2005.