

BILL ANALYSIS

C.S.H.B. 2243
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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

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

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1702.1056, Occupations Code, as follows:

Sec. 1702.1056. LOCKSMITH COMPANY. (a) Provides that a person acts as a locksmith company, for the purposes of this chapter, if the person:

- (1) services mechanical security devices, including deadbolts and locks;
- (2) advertises services offered by the company using the term "locksmith"; or
- (3) includes the term "locksmith" in the company's name.

(b) 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, as follows:

Sec. 1702.2227. LOCKSMITH. (a) Provides that an individual acts as a locksmith, for the purposes of this chapter, if the person services mechanical security devices, including deadbolts and locks. Makes nonsubstantive changes.

(b) Provides that this section does not apply to a hotel, as that term is defined by this Section 156.001, Tax Code.

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. (a) 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:

- (1) shows the locksmith company or locksmith a government-issued identification; and
- (2) provides a signed authorization stating that the customer owns or is otherwise entitled to legal access to the structure, motor vehicle, or other property.

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(b) Provides that a locksmith company or locksmith is exempt from Subsection (a) if the locksmith is requested to perform services in a case of imminent threat to a person or property.

SECTION 4. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2243 modifies the original by providing that a person acts as a locksmith company if the person services mechanical security devices, including deadbolts and locks. Provides an exemption for hotels from that section.

The substitute adds language to the original providing that an individual acts as a locksmith if the person services mechanical security devices, including deadbolts and locks. Provides an exemption for hotels from that section.

C.S.H.B. 2243 modifies the original by prohibiting the locksmith from servicing a client who does not show a government-issued identification.