

AN ACT

relating to the regulation of locksmiths and locksmith companies under the Private Security Act.

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

SECTION 1. Section 1702.1056, Occupations Code, is amended to read as follows:

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

(1) sells, installs, services, or maintains mechanical security devices, including deadbolts and locks; ~~and~~

(2) ~~(1)~~ advertises services offered by the company using the term "locksmith"; or

(3) ~~(2)~~ includes the term "locksmith" in the company's name.

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

SECTION 2. Section 1702.2227, Occupations Code, is amended to read as follows:

Sec. 1702.2227. LOCKSMITH. (a) An individual acts as a locksmith for the purposes of this chapter if the person:

(1) sells, installs, services, or maintains mechanical security devices, including deadbolts and locks; or

(2) ~~and~~ advertises or offers services to the

1 public or represents to the public that the person is a locksmith.

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

4 SECTION 3. Subchapter L, Chapter 1702, Occupations Code, is
5 amended by adding Section 1702.286 to read as follows:

6 Sec. 1702.286. CUSTOMER AUTHORIZATION REQUIRED FOR CERTAIN
7 LOCKSMITH SERVICES. (a) A locksmith company or locksmith may not
8 perform services for a customer who seeks entry to a structure,
9 motor vehicle, or other property unless the customer, in the course
10 of the transaction:

11 (1) shows the locksmith company or locksmith a
12 government-issued identification; and

13 (2) provides a signed authorization stating that the
14 customer owns or is otherwise entitled to legal access to the
15 structure, motor vehicle, or other property.

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

19 SECTION 4. Section 1702.324(b), Occupations Code, as
20 amended by Chapters 936, 1237, and 1276, Acts of the 78th
21 Legislature, Regular Session, 2003, is reenacted and amended to
22 read as follows:

23 (b) This chapter does not apply to:

24 (1) a manufacturer or a manufacturer's authorized
25 distributor who sells equipment to a license holder or registrant
26 that is used in the operations for which the person is required to
27 be licensed or registered;

1 (2) a person engaged exclusively in the business of
2 obtaining and providing information to:

3 (A) determine creditworthiness;

4 (B) collect debts; or

5 (C) ascertain the reliability of information
6 provided by an applicant for property, life, or disability
7 insurance or an indemnity or surety bond;

8 (3) a person engaged exclusively in the business of
9 repossessing property that is secured by a mortgage or other
10 security interest;

11 (4) a person who:

12 (A) is engaged in the business of psychological
13 testing or other testing and interviewing services, including
14 services to determine attitudes, honesty, intelligence,
15 personality, and skills, for preemployment purposes; and

16 (B) does not perform any other service that
17 requires a license under this chapter;

18 (5) a person who:

19 (A) is engaged in obtaining information that is a
20 public record under Chapter 552, Government Code, regardless of
21 whether the person receives compensation;

22 (B) is not a full-time employee, as defined by
23 Section 61.001, Labor Code, of a person licensed under this
24 chapter; and

25 (C) does not perform any other act that requires
26 a license under this chapter;

27 (6) a licensed engineer practicing engineering or

1 directly supervising engineering practice under Chapter 1001,
2 including forensic analysis, burglar alarm system engineering, and
3 necessary data collection;

4 (7) an employee of a cattle association who inspects
5 livestock brands under the authority granted to the cattle
6 association by the Grain Inspection, Packers and Stockyards
7 Administration of the United States Department of Agriculture;

8 (8) a landman performing activities in the course and
9 scope of the landman's business;

10 (9) an attorney while engaged in the practice of law;

11 (10) a person who obtains a document for use in
12 litigation under an authorization or subpoena issued for a written
13 or oral deposition;

14 (11) an admitted insurer, insurance adjuster, agent,
15 or insurance broker licensed by the state, performing duties in
16 connection with insurance transacted by that person;

17 (12) a person who on the person's own property or on
18 property owned or managed by the person's employer:

19 (A) installs, changes, or repairs a mechanical
20 security device;

21 (B) repairs an electronic security device; or

22 (C) cuts or makes a key for a security device;

23 [~~or~~]

24 (13) security personnel, including security contract
25 personnel, working at a commercial nuclear power plant licensed by
26 the United States Nuclear Regulatory Commission; or

27 (14) a retailer, wholesaler, or other person who sells

1 mechanical security devices, including locks and deadbolts, but who
2 does not:

3 (A) service mechanical security devices for the
4 public outside of the person's premises; or

5 (B) claim to act as a locksmith.

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

10 SECTION 6. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2243 was passed by the House on April 29, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2243 on May 26, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2243 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor