

1-1 By: Jackson (Senate Sponsor - Carona) H.B. No. 2243
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on Business
1-4 and Commerce; May 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2243 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of locksmiths and locksmith companies
1-11 under the Private Security Act.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1702.1056, Occupations Code, is amended
1-14 to read as follows:

1-15 Sec. 1702.1056. LOCKSMITH COMPANY. (a) A person acts as a
1-16 locksmith company for the purposes of this chapter if the person:

1-17 (1) sells, installs, services, or maintains
1-18 mechanical security devices, including deadbolts and locks; [~~7~~
1-19 ~~and~~]

1-20 (2) [~~(1)~~] advertises services offered by the company
1-21 using the term "locksmith"; or

1-22 (3) [~~(2)~~] includes the term "locksmith" in the
1-23 company's name.

1-24 (b) This section does not apply to a hotel, as that term is
1-25 defined by Section 156.001, Tax Code.

1-26 SECTION 2. Section 1702.2227, Occupations Code, is amended
1-27 to read as follows:

1-28 Sec. 1702.2227. LOCKSMITH. (a) An individual acts as a
1-29 locksmith for the purposes of this chapter if the person:

1-30 (1) sells, installs, services, or maintains
1-31 mechanical security devices, including deadbolts and locks; or

1-32 (2) [~~and~~] advertises or offers services to the
1-33 public or represents to the public that the person is a locksmith.

1-34 (b) This section does not apply to a hotel, as that term is
1-35 defined by Section 156.001, Tax Code.

1-36 SECTION 3. Subchapter L, Chapter 1702, Occupations Code, is
1-37 amended by adding Section 1702.286 to read as follows:

1-38 Sec. 1702.286. CUSTOMER AUTHORIZATION REQUIRED FOR CERTAIN
1-39 LOCKSMITH SERVICES. (a) A locksmith company or locksmith may not
1-40 perform services for a customer who seeks entry to a structure,
1-41 motor vehicle, or other property unless the customer, in the course
1-42 of the transaction:

1-43 (1) shows the locksmith company or locksmith a
1-44 government-issued identification; and

1-45 (2) provides a signed authorization stating that the
1-46 customer owns or is otherwise entitled to legal access to the
1-47 structure, motor vehicle, or other property.

1-48 (b) A locksmith company or locksmith is exempt from
1-49 Subsection (a) if the locksmith is requested to perform services in
1-50 a case of imminent threat to a person or property.

1-51 SECTION 4. Section 1702.324(b), Occupations Code, as
1-52 amended by Chapters 936, 1237, and 1276, Acts of the 78th
1-53 Legislature, Regular Session, 2003, is reenacted and amended to
1-54 read as follows:

1-55 (b) This chapter does not apply to:

1-56 (1) a manufacturer or a manufacturer's authorized
1-57 distributor who sells equipment to a license holder or registrant
1-58 that is used in the operations for which the person is required to
1-59 be licensed or registered;

1-60 (2) a person engaged exclusively in the business of
1-61 obtaining and providing information to:

1-62 (A) determine creditworthiness;

1-63 (B) collect debts; or

2-1 (C) ascertain the reliability of information
2-2 provided by an applicant for property, life, or disability
2-3 insurance or an indemnity or surety bond;

2-4 (3) a person engaged exclusively in the business of
2-5 repossessing property that is secured by a mortgage or other
2-6 security interest;

2-7 (4) a person who:

2-8 (A) is engaged in the business of psychological
2-9 testing or other testing and interviewing services, including
2-10 services to determine attitudes, honesty, intelligence,
2-11 personality, and skills, for preemployment purposes; and

2-12 (B) does not perform any other service that
2-13 requires a license under this chapter;

2-14 (5) a person who:

2-15 (A) is engaged in obtaining information that is a
2-16 public record under Chapter 552, Government Code, regardless of
2-17 whether the person receives compensation;

2-18 (B) is not a full-time employee, as defined by
2-19 Section 61.001, Labor Code, of a person licensed under this
2-20 chapter; and

2-21 (C) does not perform any other act that requires
2-22 a license under this chapter;

2-23 (6) a licensed engineer practicing engineering or
2-24 directly supervising engineering practice under Chapter 1001,
2-25 including forensic analysis, burglar alarm system engineering, and
2-26 necessary data collection;

2-27 (7) an employee of a cattle association who inspects
2-28 livestock brands under the authority granted to the cattle
2-29 association by the Grain Inspection, Packers and Stockyards
2-30 Administration of the United States Department of Agriculture;

2-31 (8) a landman performing activities in the course and
2-32 scope of the landman's business;

2-33 (9) an attorney while engaged in the practice of law;

2-34 (10) a person who obtains a document for use in
2-35 litigation under an authorization or subpoena issued for a written
2-36 or oral deposition;

2-37 (11) an admitted insurer, insurance adjuster, agent,
2-38 or insurance broker licensed by the state, performing duties in
2-39 connection with insurance transacted by that person;

2-40 (12) a person who on the person's own property or on
2-41 property owned or managed by the person's employer:

2-42 (A) installs, changes, or repairs a mechanical
2-43 security device;

2-44 (B) repairs an electronic security device; or

2-45 (C) cuts or makes a key for a security device;

2-46 [~~or~~]

2-47 (13) security personnel, including security contract
2-48 personnel, working at a commercial nuclear power plant licensed by
2-49 the United States Nuclear Regulatory Commission; or

2-50 (14) a retailer, wholesaler, or other person who sells
2-51 mechanical security devices, including locks and deadbolts, but who
2-52 does not:

2-53 (A) service mechanical security devices for the
2-54 public outside of the person's premises; or

2-55 (B) claim to act as a locksmith.

2-56 SECTION 5. To the extent of any conflict, this Act prevails
2-57 over another Act of the 79th Legislature, Regular Session, 2005,
2-58 relating to nonsubstantive additions and corrections in enacted
2-59 codes.

2-60 SECTION 6. This Act takes effect September 1, 2005.

2-61 * * * * *