

By: Lindsay

S.B. No. 1746

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the records of certain vehicle repairs, sales, and  
3 purchases; providing penalties.

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

5 SECTION 1. Section 2305.001, Occupations Code, is amended  
6 by amending Subdivisions (2) and (3) and adding Subdivision (4) to  
7 read as follows:

8 (2) "Repair" includes the rebuilding of a motor  
9 vehicle [~~an automobile~~], the installation of a new or used part or  
10 accessory on a motor vehicle [~~an automobile~~], and the performance  
11 of electrical work in connection with the repair of a motor vehicle  
12 [~~an automobile~~]. The term does not include a repair covered by  
13 Chapter 2304.

14 (3) "Used motor vehicle [~~automobile~~]" includes a  
15 secondhand motor vehicle [~~automobile~~].

16 (4) "Motor vehicle" has the meaning assigned by  
17 Section 501.002, Transportation Code.

18 SECTION 2. Section 2305.002, Occupations Code, is amended  
19 to read as follows:

20 Sec. 2305.002. APPLICATION OF SUBCHAPTER. This subchapter  
21 applies to any person who:

22 (1) operates a shop or garage that is engaged in the  
23 business of repairing motor vehicles [~~automobiles~~]; or

24 (2) engages in the business of purchasing or selling

1 used motor vehicles [~~automobiles~~] in this state.

2 SECTION 3. Section 2305.003(a), Occupations Code, is  
3 amended to read as follows:

4 (a) A person subject to this subchapter shall maintain a  
5 register of each repair the person makes to a motor vehicle [~~an~~  
6 ~~automobile~~]. The register must contain a substantially complete  
7 and accurate description of each motor vehicle [~~automobile~~] that is  
8 repaired.

9 SECTION 4. Section 2305.004, Occupations Code, is amended  
10 to read as follows:

11 Sec. 2305.004. REGISTER OF USED MOTOR VEHICLE [~~AUTOMOBILE~~]  
12 SALES AND PURCHASES. (a) A person subject to this subchapter shall  
13 maintain a register of each sale or purchase the person makes of a  
14 used motor vehicle [~~automobile~~].

15 (b) If the person buys a used motor vehicle [~~automobile~~],  
16 the register must contain:

17 (1) the make and model, the number of cylinders, the  
18 motor number, the vehicle identification number, and the passenger  
19 capacity of the motor vehicle, if applicable [~~automobile~~];

20 (2) the name, sex, apparent age, usual place of  
21 address, and any special identifying physical characteristics of  
22 each person claiming to be the owner of the motor vehicle  
23 [~~automobile~~]; and

24 (3) the state registration number of the motor  
25 vehicle, if applicable [~~automobile~~].

26 (c) If the person sells a used motor vehicle [~~automobile~~],  
27 in addition to the requirements of Subsection (b), the register

1 must contain the name, the address, and a description of the  
2 purchaser of the motor vehicle [~~automobile~~].

3 SECTION 5. Section 2305.006, Occupations Code, is amended  
4 to read as follows:

5 Sec. 2305.006. MAINTENANCE [~~AND INSPECTION~~] OF RECORDS.

6 (a) All records required to be maintained under this subchapter  
7 shall be:

8 (1) kept until at least the first anniversary of the  
9 date the record is made; and

10 (2) open for public inspection at all reasonable  
11 hours.

12 (b) The registers required by Sections 2305.003 and  
13 2305.004 shall be maintained in a clear and intelligent manner in a  
14 well-bound book and kept in a secure place in the office or place of  
15 business where the work is performed or the business is conducted.

16 [~~The registers shall be open at all times to inspection by:~~

17 [~~(1) a peace officer, or~~

18 [~~(2) any person interested in tracing or locating~~  
19 ~~stolen automobiles.]~~

20 SECTION 6. Subchapter A, Chapter 2305, Occupations Code, is  
21 amended by adding Section 2305.007 to read as follows:

22 Sec. 2305.007. CONSENT TO ENTRY AND INSPECTION. (a) A  
23 person consents to an entry or inspection described by Subsection  
24 (b) by engaging in a business or activity regulated under this  
25 chapter.

26 (b) For the purpose of enforcing or administering this  
27 chapter, Chapter 2302 of this code, or Chapter 501 or 502,

1 Transportation Code, a member of the Texas Transportation  
2 Commission, an employee or agent of the Texas Transportation  
3 Commission or Texas Department of Transportation, a member of the  
4 Public Safety Commission, an officer of the Department of Public  
5 Safety, a peace officer, or a person interested in tracing or  
6 locating a stolen motor vehicle may at a reasonable time:

7 (1) enter the premises of a business regulated under  
8 one of those chapters; and

9 (2) inspect or copy any document, record, vehicle,  
10 part, or other item regulated under one of those chapters.

11 (c) A person described by Subsection (a):

12 (1) may not refuse or interfere with an entry or  
13 inspection under this section; and

14 (2) shall cooperate fully with a person conducting an  
15 inspection under this section to assist in the recovery of stolen  
16 motor vehicles and parts and to prevent the sale or transfer of  
17 stolen motor vehicles and parts.

18 (d) An entry or inspection occurs at a reasonable time for  
19 purposes of Subsection (b) if the entry or inspection occurs:

20 (1) during normal business hours of the person or  
21 activity regulated under a chapter listed in Subsection (b); or

22 (2) while an activity regulated under a chapter listed  
23 in Subsection (b) is occurring on the premises.

24 SECTION 7. Section 2305.101, Occupations Code, is amended  
25 to read as follows:

26 Sec. 2305.101. CRIMINAL PENALTY. (a) A person [~~who~~  
27 ~~violates this chapter~~] commits an offense if the person violates

1 this chapter or a rule adopted under this chapter.

2 (b) Except as provided by Subsection (c), an [An] offense  
3 under this section is punishable by a fine of not less than \$10 and  
4 not more than \$100.

5 (c) An offense under this chapter that consists of the  
6 violation of Section 2305.007 is a Class A misdemeanor unless it is  
7 shown on the trial of the offense that the defendant has been  
8 previously convicted of an offense that consists of the violation  
9 of that section, in which event the offense is a state jail felony.

10 SECTION 8. (a) The changes in law made by this Act apply  
11 only to an offense committed on or after the effective date of this  
12 Act. For purposes of this section, an offense is committed before  
13 the effective date of this Act if any element of the offense occurs  
14 before that date.

15 (b) An offense committed before the effective date of this  
16 Act is covered by the law in effect when the offense was committed,  
17 and the former law is continued in effect for that purpose.

18 SECTION 9. This Act takes effect September 1, 2005.