

By: Driver, Eissler, et al.

H.B. No. 2295

Substitute the following for H.B. No. 2295:

By: Driver

C.S.H.B. No. 2295

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that certain motor vehicle manufacturers
3 provide key codes and other vehicle access information to
4 registered locksmiths.

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

6 SECTION 1. Subchapter J, Chapter 2301, Occupations Code, is
7 amended by adding Section 2301.479 to read as follows:

8 Sec. 2301.479. MOTOR VEHICLE ACCESS INFORMATION. (a) In
9 this section:

10 (1) "Access information" means the information
11 necessary for a locksmith to allow an owner to enter, start, and
12 operate a motor vehicle and includes the key code, immobilizer
13 code, and access code, as applicable.

14 (2) "Locksmith" means a locksmith or locksmith company
15 registered under Chapter 1702 that has obtained a registration
16 number from a manufacturer under Subsection (c).

17 (3) "Owner" means the registered owner of a motor
18 vehicle or a lessee if the lessee's name appears on the vehicle
19 registration.

20 (b) This section applies:

21 (1) only to a motor vehicle, other than a motorcycle,
22 used to transport persons and designed to accommodate 10 or fewer
23 passengers, including the operator; and

24 (2) in a calendar year only to a make of motor vehicle

1 of which 1,000 or more motor vehicles were sold or leased in this
2 state in the preceding calendar year.

3 (c) A manufacturer shall issue a registration number and
4 security password to each locksmith that applies to the
5 manufacturer for a registration number.

6 (d) A manufacturer shall provide access information at any
7 time by telephone or electronically to a locksmith who:

8 (1) provides the locksmith's registration number
9 issued by the manufacturer;

10 (2) provides the locksmith's security password issued
11 by the manufacturer;

12 (3) confirms that the locksmith has complied with the
13 requirements of Section 1702.286, as added by Chapter 1102, Acts of
14 the 79th Legislature, Regular Session, 2005;

15 (4) provides the vehicle identification number and
16 model number of the motor vehicle for which the locksmith is seeking
17 access information; and

18 (5) complies with other reasonable authentication
19 measures adopted by the manufacturer.

20 (e) A manufacturer that complies with Subsection (d) is not
21 liable for the theft of the motor vehicle for which the manufacturer
22 provided access information.

23 (f) A locksmith may request access information from a
24 manufacturer only on the request of the owner of the motor vehicle,
25 or the owner's spouse or child if that person is named on an
26 insurance policy covering the vehicle. Before requesting access
27 information from a manufacturer, a locksmith must:

1 (1) have inspected:

2 (A) a government-issued document that shows the
3 name of the owner requesting the information and the vehicle
4 identification number of the vehicle;

5 (B) an insurance document that shows the name of
6 the person requesting the access information and the vehicle
7 identification number of the vehicle; or

8 (C) similar documentation approved by the
9 Department of Public Safety; and

10 (2) follow the procedures under Section 1702.286, as
11 added by Chapter 1102, Acts of the 79th Legislature, Regular
12 Session, 2005.

13 (g) After producing a replacement key or otherwise
14 providing the owner access to a motor vehicle, the locksmith shall
15 provide the access information to the owner and destroy any access
16 information in the locksmith's possession.

17 (h) A locksmith who complies with Subsections (f) and (g) is
18 not liable for the theft of the motor vehicle, except in the event
19 of fraud or misappropriation of access information by the
20 locksmith.

21 (i) A manufacturer shall retain and make available under
22 Subsection (d) access information for a motor vehicle to which this
23 section applies for at least 25 years after the date the motor
24 vehicle is manufactured.

25 (j) A manufacturer may perform the duties required of the
26 manufacturer under this section directly or through an agent under
27 a contract.

1 (k) A manufacturer is not required to provide access
2 information for a motor vehicle manufactured before January 1,
3 2008, if the manufacturer does not possess access information for
4 the vehicle on that date.

5 SECTION 2. This Act takes effect January 1, 2008.