

By: Driver

H.B. No. 2295

A BILL TO BE ENTITLED

1 AN ACT

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. The purpose of this Act is to provide an  
7 important new tool to assist in the prevention of automobile theft  
8 and at the same time to ensure that the services of registered  
9 locksmiths are used in a manner that safeguards the privacy and  
10 security of owners and lessees of passenger cars in this state.

11 SECTION 2. Subchapter J, Chapter 2301, Occupations Code, is  
12 amended by adding Section 2301.479 to read as follows:

13 Sec. 2301.479. MOTOR VEHICLE ACCESS INFORMATION. (a) In  
14 this section:

15 (1) "Access information" means the information  
16 necessary for a locksmith to allow an owner to enter, start, and  
17 operate a motor vehicle and includes the key code, immobilizer  
18 code, and access code, as applicable.

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

22 (3) "Owner" means the registered owner of a motor  
23 vehicle or a lessee if the lessee's name appears on the vehicle  
24 registration.

1       (b) This section applies:

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

5               (2) only to a new motor vehicle sold or leased in this  
6 state on or after September 1, 2008; and

7               (3) in a calendar year only to a make of motor vehicle  
8 of which 1,000 or more motor vehicles were sold or leased in this  
9 state in the preceding calendar year.

10       (c) A manufacturer shall issue a registration number and  
11 security password to each locksmith that applies to the  
12 manufacturer for a registration number.

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

15               (1) provides the locksmith's registration number  
16 issued by the manufacturer;

17               (2) provides the locksmith's security password issued  
18 by the manufacturer;

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

22               (4) provides the vehicle identification number and  
23 model number of the motor vehicle for which the locksmith is seeking  
24 access information; and

25               (5) complies with other reasonable authentication  
26 measures adopted by the manufacturer.

27       (e) A manufacturer that complies with Subsection (d) is not

1 liable for the theft of the motor vehicle for which the manufacturer  
2 provided access information.

3 (f) Before requesting access information from a  
4 manufacturer, a locksmith must follow the procedures under Section  
5 1702.286, as added by Chapter 1102, Acts of the 79th Legislature,  
6 Regular Session, 2005. After producing a replacement key or  
7 otherwise providing the owner access to a passenger car, the  
8 locksmith shall provide the access information to the owner and  
9 destroy any access information in the locksmith's possession. A  
10 locksmith who complies with this subsection is not liable for the  
11 theft of the motor vehicle, except in the event of fraud or  
12 misappropriation of access information by the locksmith.

13 (g) A manufacturer shall retain and make available under  
14 Subsection (d) access information for a motor vehicle to which this  
15 section applies for at least 25 years after the date the motor  
16 vehicle is manufactured.

17 (h) A manufacturer may perform the duties required of the  
18 manufacturer under this section directly or through an agent under  
19 a contract.

20 SECTION 3. This Act takes effect September 1, 2007.