

By: Carona

S.B. No. 1371

A BILL TO BE ENTITLED

AN ACT

relating to access to motor vehicle key information.

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

SECTION 1. Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.616 to read as follows:

Sec. 547.616. ACCESS TO MOTOR VEHICLE KEY INFORMATION.

(a) In this section:

(1) "Information" includes a motor vehicle's key code and, if applicable, immobilizer or access code, and its successor technology and terminology.

(2) "Motor vehicle" means a passenger vehicle as defined by Section 541.201.

(3) "Registered locksmith" means a locksmith or locksmith company licensed or registered in this state that has also registered with a motor vehicle manufacturer, and been issued a registry number and security password by the manufacturer.

(4) "Registered owner" includes a lessee of a motor vehicle when the lessee's name appears on the vehicle registration.

(b) This section applies only to new motor vehicles sold or leased in this state on or after September 1, 2008, except as provided by Subsection (k).

(c) A motor vehicle manufacturer of a motor vehicle sold or leased in this state shall provide the means whereby the registered owner of the motor vehicle, through a registered locksmith, can

1 access the information, and only that information, that is
2 necessary to permit the production of a replacement key or other
3 functionally similar device by the registered locksmith that will
4 allow the registered owner to enter, start, and operate the
5 vehicle. The motor vehicle manufacturer shall provide access to
6 this information by telephone or electronically 24 hours a day and
7 seven days a week.

8 (d) If a registered locksmith is requested by the motor
9 vehicle's registered owner to produce a replacement key or other
10 functionally similar device that will allow the vehicle to be
11 entered, started, and operated, the locksmith must verify the
12 identity and obtain the authorization of the owner as required by
13 Section 1702.286, Occupations Code, as added by Chapter 1102, Acts
14 of the 79th Legislature, Regular Session, 2005, before obtaining
15 the information needed from the vehicle manufacturer in order to
16 produce the requested key or other functionally similar device.

17 (e) After producing the replacement key or other
18 functionally similar device, the registered locksmith shall give
19 any key code information obtained from the motor vehicle
20 manufacturer to the registered owner and shall destroy all access
21 information provided by the vehicle manufacturer in the locksmith's
22 possession.

23 (f) Except in cases of fraud or misappropriation, a
24 registered locksmith who follows the procedures provided by this
25 section does not incur liability for theft of the motor vehicle
26 related to the locksmith's production of a replacement key or other
27 functionally similar device that allows the vehicle to be entered,

1 started, and operated.

2 (g) A motor vehicle manufacturer that receives a request
3 from a registered locksmith for information to enable the locksmith
4 to produce a replacement key or other functionally similar device
5 that will allow a motor vehicle to be entered, started, and operated
6 shall require the registered locksmith to:

7 (1) confirm the locksmith's registration with the
8 manufacturer's registry;

9 (2) provide the security password issued by the
10 manufacturer;

11 (3) confirm the locksmith's verification of the
12 registered owner as required under Subsection (d);

13 (4) the vehicle identification number and model number
14 of the motor vehicle; and

15 (5) comply with any other reasonable authentication
16 procedure.

17 (h) A motor vehicle manufacturer shall provide to a
18 registered locksmith that has satisfied the requirements of
19 Subsection (g) the information necessary to enable the production
20 of a replacement key or other functionally similar device that will
21 allow the vehicle to be entered, started, and operated.

22 (i) A motor vehicle manufacturer subject to this section
23 shall retain and make available the information described by this
24 section for at least 25 years after the date of manufacture of a
25 motor vehicle.

26 (j) A motor vehicle manufacturer that follows the
27 procedures provided by this section does not incur liability for

1 theft of the vehicle related to furnishing the information to a
2 registered locksmith for the production of a replacement key or
3 other functionally similar device that will allow the vehicle to be
4 entered, started, and operated.

5 (k) This section does not apply to a make of a motor vehicle
6 that sold fewer than 1,000 vehicles in this state in the prior
7 calendar year.

8 (l) The duties imposed on a motor vehicle manufacturer by
9 this section may be performed either by the manufacturer or by an
10 agent of the manufacturer acting under a contract.

11 (m) The provisions of this section are severable. If any
12 provision of this section or its application is held invalid, that
13 invalidity shall not affect other provisions or applications that
14 can be given effect without the invalid provision or application.

15 SECTION 2. This Act takes effect September 1, 2007.