

By: Hinojosa

S.B. No. 1905

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of and information regarding property in the custody of a pawnbroker.

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

SECTION 1. Section 371.177, Finance Code, is amended to read as follows:

Sec. 371.177. PURCHASE OF USED PERSONAL PROPERTY. (a) A pawnbroker may not purchase used personal property from a person other than another pawnbroker unless a record is established that contains:

(1) the seller's name, address, and physical description and a driver's license number, military identification number, identification certificate number, or other official number that can identify the seller;

(2) a complete description of the property, including the serial number, if reasonably available, or other identifying characteristics; ~~and~~

(3) the seller's signed statement that the seller has the right to sell the property; and

(4) an electronic photograph of the property.

(b) The Finance Commission of Texas shall adopt rules to establish procedures to address the record provided under Subsection (a).

SECTION 2. Section 371.182, Finance Code, is amended to



1 description of the person pledging or selling goods;

2 (v) an electronic photograph of the  
3 property; and

4 (vi) the pawn or purchase ticket number  
5 related to the transaction; and

6 (B) does not include financial information  
7 regarding terms of the transaction.

8 Sec. 371.352. REFERENCE TO CHIEF LAW ENFORCEMENT OFFICER.

9 For purposes of this subchapter, a reference to a "chief law  
10 enforcement officer" means:

11 (1) the sheriff of the county in which the pawnshop is  
12 located or an officer of the sheriff's department designated by the  
13 sheriff, if the pawnshop is not located in a municipality that  
14 maintains a police department; or

15 (2) the police chief of the municipality in which the  
16 pawnshop is located or a police officer designated by the police  
17 chief, if the pawnshop is located in a municipality that maintains a  
18 police department.

19 Sec. 371.353. ELECTRONIC REPORTING TO INTERNET WEBSITE.

20 (a) A pawnbroker shall transmit all transaction data to an Internet  
21 website that:

22 (1) compiles transaction data provided by pawnbrokers  
23 who must be licensed under this chapter;

24 (2) provides local law enforcement agencies real-time  
25 access to all transaction data; and

26 (3) provides authorized members of the public access  
27 to only electronic photographs of all personal property pledged or

1 sold to a pawnshop.

2 (b) A pawnbroker who reports information under this  
3 subchapter shall transmit the data pertaining to a transaction not  
4 later than the day after the date of the transaction.

5 Sec. 371.354. CONFIDENTIALITY. Except as provided by  
6 Section 371.355, the data on the Internet website described by  
7 Section 371.353 is confidential and may be released or disclosed  
8 only to a law enforcement agency for the investigation of a crime or  
9 to the commissioner for administrative purposes.

10 Sec. 371.355. AUTHORIZED LIMITED PUBLIC ACCESS TO  
11 TRANSACTION WEBSITE. (a) On request by a person who files a police  
12 report for lost or stolen property, the person shall:

13 (1) be provided seven days of temporary access to an  
14 Internet website described by Section 371.353; and

15 (2) be provided a seven-day access extension to the  
16 website after the date the person's previous access expires.

17 (b) The Finance Commission of Texas shall adopt rules to  
18 implement this section.

19 Sec. 371.356. COMPUTER-RELATED MALFUNCTIONS AND ERRORS.

20 (a) A pawnbroker who electronically reports information under this  
21 subchapter may not be held responsible for a delay in submitting  
22 data that results from a computer-related malfunction or error  
23 caused by the pawnbroker's equipment or software, if:

24 (1) the pawnbroker makes a bona fide effort to repair  
25 the malfunction or correct the error; and

26 (2) the pawnbroker and the chief law enforcement  
27 officer arrange a mutually acceptable alternative method by which

1 the pawnbroker provides the data to the law enforcement agency.

2 (b) A pawnbroker who electronically reports information  
3 under this subchapter may not be held responsible for a delay in  
4 submitting data that results from a computer-related malfunction or  
5 error that is the responsibility of an Internet website described  
6 in Section 371.353. A pawnbroker and a chief law enforcement  
7 officer shall arrange a mutually acceptable alternative method by  
8 which the pawnbroker provides the data to the Internet website  
9 until the malfunction or error is corrected.

10 (c) The Finance Commission of Texas shall adopt rules to  
11 establish procedures to address computer-related malfunctions and  
12 errors under this subchapter.

13 SECTION 4. The Finance Commission of Texas shall adopt the  
14 rules required by Section 371.177, Finance Code, as amended by this  
15 Act, and Sections 371.355 and 371.356, Finance Code, as added by  
16 this Act, not later than October 1, 2009.

17 SECTION 5. This Act takes effect September 1, 2009.