

By: Geren

H.B. No. 1242

Substitute the following for H.B. No. 1242:

By: Farrar

C.S.H.B. No. 1242

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of certain metal dealers; providing
3 criminal penalties.

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

5 SECTION 1. Section 1956.001(8), Occupations Code, is
6 amended to read as follows:

7 (8) "Personal identification document" means:

8 (A) a valid driver's license issued by a state in
9 the United States;

10 (B) a United States military identification
11 card; ~~or~~

12 (C) a personal identification certificate issued
13 by the department under Section 521.101, Transportation Code, or a
14 corresponding card or certificate issued by another state;

15 (D) a passport; or

16 (E) documentation issued by the United States
17 agency responsible for citizenship and immigration that authorizes
18 the person to be in the United States.

19 SECTION 2. Section 1956.060, Occupations Code, is amended
20 to read as follows:

21 Sec. 1956.060. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED
22 BY PERSON LICENSED UNDER TEXAS PAWNSHOP ACT. This subchapter does
23 not apply to crafted precious metal acquired by a person or an
24 employee of a person licensed under Chapter 371, Finance Code.

1 SECTION 3. Section 1956.062, Occupations Code, is amended
2 by amending Subsection (c) and adding Subsection (c-1) to read as
3 follows:

4 (c) The dealer shall:

5 (1) record the identification [~~proposed seller's~~
6 ~~driver's license~~] number [~~or department personal identification~~
7 ~~certificate number on physical presentation~~] of the seller's
8 personal identification document;

9 (2) visually verify the accuracy of the seller's
10 personal identification document and make a copy of the document;
11 and

12 (3) obtain a digital or video photograph that
13 accurately depicts each item of crafted precious metal purchased
14 [~~license or personal identification certificate by the seller~~].

15 (c-1) The copy of the document and photograph described by
16 Subsection (c) [~~record~~] must accompany the list.

17 SECTION 4. Subchapter B, Chapter 1956, Occupations Code, is
18 amended by adding Section 1956.0631 to read as follows:

19 Sec. 1956.0631. PAYMENT FOR CRAFTED PRECIOUS METAL
20 PURCHASED. A dealer may pay for a purchase of crafted precious
21 metal only by check or prepaid debit card. If payment is by check,
22 the names of the dealer and seller must be printed on the check. If
23 payment is by prepaid debit card, the seller may not be liable for
24 any fees charged by the issuer of the card.

25 SECTION 5. Section 1956.064, Occupations Code, is amended
26 to read as follows:

27 Sec. 1956.064. REQUIRED RETENTION OF CRAFTED PRECIOUS

1 METAL. (a) A dealer may not melt, deface, alter, or dispose of
2 crafted precious metal that is the subject of a report required by
3 this subchapter before the 21st [~~11th~~] day after the date the report
4 is filed unless:

5 (1) the peace officer to whom the report is submitted,
6 for good cause, authorizes disposition of the metal; or

7 ~~(2) [the dealer obtains the name, address, and~~
8 ~~description of the buyer and retains a record of that information;~~
9 ~~or~~

10 [~~3~~] the dealer is a pawnbroker and the disposition
11 is the redemption of pledged property by the pledgor.

12 (b) A peace officer who has reasonable suspicion to believe
13 that an item of crafted precious metal in the possession of a dealer
14 is stolen may place the item on hold by issuing to the dealer a
15 written notice that:

16 (1) specifically identifies the item alleged to be
17 stolen and subject to the hold; and

18 (2) informs the dealer of the requirements of
19 Subsection (c).

20 (c) On receiving the notice, the dealer may not melt,
21 deface, alter, or dispose of the identified crafted precious metal
22 until the hold is released in writing by a peace officer of this
23 state or a court order. [~~A dealer who retains information under~~
24 ~~Subsection (a)(2) shall make that information available for~~
25 ~~inspection by any peace officer.]~~

26 SECTION 6. Section 1956.069(a), Occupations Code, is
27 amended to read as follows:

1 (a) A dealer commits an offense if the dealer:

2 (1) fails to make or permit inspection of a report as
3 required by Section 1956.062 or 1956.063;

4 (2) violates [~~disposes of crafted precious metal or~~
5 ~~fails to make a record available for inspection by a peace officer~~
6 ~~as required by~~] Section 1956.0631 or 1956.064;

7 (3) fails to obtain or retain a statement as required
8 by Section 1956.066;

9 (4) fails to file a registration statement as required
10 by Section 1956.067; or

11 (5) purchases an object in violation of Section
12 1956.068.

13 SECTION 7. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 8. This Act takes effect September 1, 2011.