

By: Lucio III

H.B. No. 3045

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the location of pawnshops in certain counties.

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

SECTION 1. Section 371.059, Finance Code, is amended to read as follows:

Sec. 371.059. APPROVAL; ISSUANCE OF LICENSE. The ~~[(a) Subject to Subsection (b), the]~~ commissioner shall approve the application and issue a license if the commissioner finds that the applicant is eligible for the license.

~~[(b) In a county with a population of 250,000 or more, the commissioner shall approve an application for:~~

~~[(1) an original license to operate a pawnshop at a facility that is not an existing licensed pawnshop at the time the application is filed if the proposed facility is not located within two miles of a licensed pawnshop;~~

~~[(2) the relocation of a licensed pawnshop to a facility that is not an existing licensed pawnshop at the time the application is filed if the facility where the pawnshop is to be relocated is not located within one mile of a licensed pawnshop; and~~

~~[(3) the relocation of a licensed pawnshop if at the time the application is filed the pawnshop has been in operation at its current location for at least three years, and the facility where the pawnshop is to be relocated is either within one mile of~~

1 ~~its existing location or, if in excess of one mile from its existing~~
2 ~~location, not within one mile of another existing operating~~
3 ~~pawnshop.~~

4 ~~[(c) Notwithstanding Subsection (b)(3), the commissioner~~
5 ~~may approve an application for the relocation of a licensed~~
6 ~~pawnshop that needs to relocate marginally further than one mile~~
7 ~~from its existing location or that at the time the application is~~
8 ~~made has not been in operation in its current location for at least~~
9 ~~three years if the necessity for relocation was caused by~~
10 ~~circumstances beyond the applicant's control.~~

11 ~~[(d) A determination of distance for purposes of this~~
12 ~~section is based on a measurement taken from the front door of a~~
13 ~~facility to the front door of the other facility. For a facility~~
14 ~~not in existence at the time the application is filed, the location~~
15 ~~of the front door of the proposed facility must be indicated on~~
16 ~~architectural drawings or comparable professionally prepared~~
17 ~~drawings depicting the facility and the entire boundary of the lot~~
18 ~~or parcel of land to which the facility is to be attached.]~~

19 SECTION 2. The changes in law made by this Act apply only to
20 an application for a pawnshop license or for the relocation of a
21 licensed pawnshop that is filed on or after the effective date of
22 this Act. An application for a pawnshop license or for the
23 relocation of a licensed pawnshop that is filed before the
24 effective date of this Act is governed by the law in effect at the
25 time the application was filed, and the former law is continued in
26 effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2011.