

By: Geren

H.B. No. 1769

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain metal dealers; providing a criminal penalty.

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

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

(8) "Personal identification document" means:

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

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

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

(D) a passport; or

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

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

(c) The dealer shall:

(1) record the identification ~~[proposed seller's driver's license]~~ number ~~[or department personal identification~~

1 ~~certificate number on physical presentation]~~ of the seller's
2 personal identification document;

3 (2) visually verify the accuracy of the seller's
4 personal identification document and make a copy of the document;
5 and

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

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

11 SECTION 3. Subchapter B, Chapter 1956, Occupations Code, is
12 amended by adding Section 1956.0631 to read as follows:

13 Sec. 1956.0631. PAYMENT FOR CRAFTED PRECIOUS METAL
14 PURCHASED. A dealer may pay for a purchase of crafted precious
15 metal only by check or prepaid debit card. If payment is by check,
16 the names of the dealer and seller must be printed on the check. If
17 payment is by prepaid debit card, the seller may not be liable for
18 any fees charged by the issuer of the card.

19 SECTION 4. Section 1956.064(a), Occupations Code, is
20 amended to read as follows:

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

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

27 (2) [~~the dealer obtains the name, address, and~~

1 ~~description of the buyer and retains a record of that information,~~
2 ~~or~~

3 ~~[(3)]~~ the dealer is a pawnbroker and the disposition
4 is the redemption of pledged property by the pledgor.

5 SECTION 5. Section 1956.069(a), Occupations Code, is
6 amended to read as follows:

7 (a) A person commits an offense if the person:

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

10 (2) violates Section 1956.0612, 1956.0631, or
11 1956.064;

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

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

16 (5) purchases an object in violation of Section
17 1956.068.

18 SECTION 6. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 7. This Act takes effect September 1, 2013.