

By: Carona

S.B. No. 288

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of crafted precious metal dealers.

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

SECTION 1. Section 1956.051(3), Occupations Code, is amended to read as follows:

(3) "Crafted precious metal" means jewelry, silverware, an art object, or another object, made wholly or partly from precious metal, that is selling at less than 105 percent of the scrap value of the object, other than a coin, a bar, or a commemorative medallion~~[, or scrap or a broken item selling at five percent or more than the scrap value of the item]~~.

SECTION 2. Section 1956.0613, Occupations Code, is amended to read as follows:

Sec. 1956.0613. INVESTIGATION BY COMMISSIONER; INSPECTION OF RECORDS. (a) The commissioner shall:

(1) monitor the operations of a dealer to ensure compliance with this subchapter ~~[chapter]~~; and

(2) receive and investigate complaints against a dealer or a person acting as a dealer.

(b) The commissioner or the commissioner's authorized representative may inspect any record, account, paper, book, or correspondence of a person suspected of being in violation of this subchapter, regardless of whether the person is registered as a dealer.

1 (c) The commissioner or the commissioner's authorized
2 representative may take statements under oath in an investigation
3 of a matter under this subchapter.

4 SECTION 3. Section 1956.063, Occupations Code, is amended
5 by amending Subsections (c) and (d) and adding Subsection (c-1) to
6 read as follows:

7 (c) For each transaction regulated by this subchapter, the
8 dealer shall submit a report on a preprinted and prenumbered form
9 prescribed by the commissioner or in the manner described by
10 Subsection (c-1). The form must include the following:

11 (1) the date of the transaction;

12 (2) a description of the crafted precious metal
13 purchased by the dealer;

14 (3) the name and physical address of the dealer; and

15 (4) the name, physical description, and physical
16 address of the seller or transferor.

17 (c-1) A dealer may submit a list required by Section
18 1956.062(b) in satisfaction of the reporting requirement of this
19 section if the list contains the information described by
20 Subsection (c).

21 (d) The dealer shall retain a copy of the report until the
22 later of:

23 (1) the second anniversary of the date the dealer
24 sells or otherwise disposes of the crafted precious metal purchased
25 by the dealer; or

26 (2) the third anniversary of the date the report is
27 filed.

1 SECTION 4. Sections 1956.064(b) and (c), Occupations Code,
2 are amended to read as follows:

3 (b) A peace officer who has reasonable suspicion to believe
4 that an item of crafted precious metal in the possession of a
5 dealer, or in the possession of another person on behalf of the
6 dealer, is stolen may place the item on hold for a period not to
7 exceed 60 days by issuing to the dealer or other person a written
8 notice that:

9 (1) specifically identifies the item alleged to be
10 stolen and subject to the hold; and

11 (2) informs the dealer or other person of the
12 requirements of Subsection (c).

13 (c) On receiving the notice, the dealer or other person may
14 not melt, deface, alter, or dispose of the identified crafted
15 precious metal until the hold is released in writing by a peace
16 officer of this state or a court order.

17 SECTION 5. Section 1956.063(d), Occupations Code, as
18 amended by this Act, applies to a report filed under Section
19 1956.063, Occupations Code, on or after the effective date of this
20 Act.

21 SECTION 6. This Act takes effect September 1, 2013.