

1-1 By: Carona S.B. No. 288
 1-2 (In the Senate - Filed January 29, 2013; February 5, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 February 13, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0;
 1-6 February 13, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 288 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of crafted precious metal dealers.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subdivision (3), Section 1956.051, Occupations
 1-24 Code, is amended to read as follows:
 1-25 (3) "Crafted precious metal" means jewelry,
 1-26 silverware, an art object, or another object, made wholly or partly
 1-27 from precious metal, that is selling at less than 105 percent of the
 1-28 scrap value of the object, other than a coin, a bar, or a
 1-29 commemorative medallion~~[, or scrap or a broken item selling at five~~
 1-30 ~~percent or more than the scrap value of the item].~~
 1-31 SECTION 2. Section 1956.0613, Occupations Code, is amended
 1-32 to read as follows:
 1-33 Sec. 1956.0613. INVESTIGATION BY COMMISSIONER; INSPECTION
 1-34 OF RECORDS. (a) The commissioner shall:
 1-35 (1) monitor the operations of a dealer to ensure
 1-36 compliance with this subchapter ~~[chapter]~~; and
 1-37 (2) receive and investigate complaints against a
 1-38 dealer or a person acting as a dealer.
 1-39 (b) If the commissioner receives a written complaint
 1-40 regarding a violation of this subchapter by a person, or has
 1-41 reasonable cause to believe that a person is violating this
 1-42 subchapter, the commissioner or the commissioner's authorized
 1-43 representative may inspect any record, account, paper, book, or
 1-44 correspondence of the person, regardless of whether the person is
 1-45 registered as a dealer.
 1-46 (c) The commissioner or the commissioner's authorized
 1-47 representative may take statements in an investigation of a matter
 1-48 under this subchapter.
 1-49 SECTION 3. Section 1956.063, Occupations Code, is amended
 1-50 by amending Subsections (c) and (d) and adding Subsection (c-1) to
 1-51 read as follows:
 1-52 (c) For each transaction regulated by this subchapter, the
 1-53 dealer shall submit a report on a preprinted and prenumbered form
 1-54 prescribed by the commissioner or in the manner described by
 1-55 Subsection (c-1). The form must include the following:
 1-56 (1) the date of the transaction;
 1-57 (2) a description of the crafted precious metal
 1-58 purchased by the dealer;
 1-59 (3) the name and physical address of the dealer; and
 1-60 (4) the name, physical description, and physical

2-1 address of the seller or transferor.
2-2 (c-1) A dealer may submit a list required by Section
2-3 1956.062(b) in satisfaction of the reporting requirement of this
2-4 section if the list contains the information described by
2-5 Subsection (c).

2-6 (d) The dealer shall retain a copy of the report until the
2-7 later of:

2-8 (1) the second anniversary of the date the dealer
2-9 sells or otherwise disposes of the crafted precious metal purchased
2-10 by the dealer; or

2-11 (2) the third anniversary of the date the report is
2-12 filed.

2-13 SECTION 4. Subsections (b) and (c), Section 1956.064,
2-14 Occupations Code, are amended to read as follows:

2-15 (b) A peace officer who has reasonable suspicion to believe
2-16 that an item of crafted precious metal in the possession of a
2-17 dealer, or in the possession of another person on behalf of the
2-18 dealer, is stolen may place the item on hold for a period not to
2-19 exceed 60 days by issuing to the dealer or other person a written
2-20 notice that:

2-21 (1) specifically identifies the item alleged to be
2-22 stolen and subject to the hold; and

2-23 (2) informs the dealer or other person of the
2-24 requirements of Subsection (c).

2-25 (c) On receiving the notice, the dealer or other person may
2-26 not melt, deface, alter, or dispose of the identified crafted
2-27 precious metal until the hold is released in writing by a peace
2-28 officer of this state or a court order.

2-29 SECTION 5. Subsection (d), Section 1956.063, Occupations
2-30 Code, as amended by this Act, applies to a report filed under
2-31 Section 1956.063, Occupations Code, on or after the effective date
2-32 of this Act.

2-33 SECTION 6. This Act takes effect September 1, 2013.

2-34 * * * * *