

By: Hall

S.B. No. 1058

A BILL TO BE ENTITLED

AN ACT

relating to the discontinuation of the pawnshop employee license.

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

SECTION 1. Section 371.002, Finance Code, is amended to read as follows:

Sec. 371.002. PURPOSES. The purposes of this chapter are to:

(1) prevent fraud, unfair practices, discrimination, imposition, and abuse of state residents;

(2) exercise the state's police power to ensure a sound system of making pawn loans and transfers of personal property by and through pawnshops;

(3) prevent transactions in stolen property and other unlawful property transactions by licensing and regulating pawnbrokers [~~and pawnshop employees~~];

(4) provide for licensing and investigation fees;

(5) provide minimum capital requirements for pawnbrokers;

(6) ensure financial responsibility to the state and its residents and compliance with federal, state, and local law, including rules and ordinances; and

(7) assist local governments in the exercise of their police power.

SECTION 2. Subchapter B, Chapter 371, Finance Code, is

1 amended by adding Section 371.074 to read as follows:

2 Sec. 371.074. PAWNBROKER RESPONSIBLE FOR EMPLOYEES AND
3 AGENTS. A license holder under this subchapter is responsible for
4 all acts of the license holder's officers, directors, employees,
5 and agents acting on behalf of the pawnshop.

6 SECTION 3. Section 371.257(a), Finance Code, is amended to
7 read as follows:

8 (a) The holder of a pawnshop license [~~or a pawnshop employee~~
9 ~~license~~] may surrender the license by delivering it to the
10 commissioner with written notice of surrender.

11 SECTION 4. Sections 371.258(a) and (b), Finance Code, are
12 amended to read as follows:

13 (a) This section applies to a pawnshop license [~~or a~~
14 ~~pawnshop employee license~~].

15 (b) The commissioner may reinstate a suspended pawnshop
16 license [~~or pawnshop employee license~~] or issue a new license to the
17 person whose license or licenses have been revoked if no fact or
18 condition exists that clearly would have justified refusal to issue
19 the license originally.

20 SECTION 5. Section 371.259, Finance Code, is amended to
21 read as follows:

22 Sec. 371.259. CERTIFICATE OF STANDING; COPIES. The
23 commissioner, under the commissioner's seal and signature, shall
24 provide a certificate of good standing or a certified copy of a
25 pawnshop license [~~or a pawnshop employee license~~] to a person who
26 applies and pays for the certificate or copy.

27 SECTION 6. The following provisions of the Finance Code are

1 repealed:

- 2 (1) Subchapter C, Chapter 371;
- 3 (2) Sections 371.255 and 371.256; and
- 4 (3) Sections 371.304(b), (c), and (d).

5 SECTION 7. (a) On the effective date of this Act, a license
6 issued under former Section 371.104, Finance Code, expires.

7 (b) The repeal of a law by this Act does not entitle a person
8 to a refund of an application, licensing, or other fee paid by the
9 person before the effective date of this Act.

10 SECTION 8. The changes in law made by this Act do not affect
11 the validity of a disciplinary action or other proceeding that was
12 initiated before the effective date of this Act and that is pending
13 before a court or other governmental entity on that date.

14 SECTION 9. (a) A violation of a law that is repealed by
15 this Act is governed by the law in effect on the date the violation
16 was committed, and the former law is continued in effect for that
17 purpose.

18 (b) For purposes of this section, a violation was committed
19 before the effective date of this Act if any element of the
20 violation occurred before that date.

21 SECTION 10. This Act takes effect September 1, 2019.