By:  Johnson, Paxton S.B. No. 1132

(In the Senate - Filed March 8, 2021; March 18, 2021, read first time and referred to Committee on Business & Commerce; April 8, 2021, reported favorably by the following vote: Yeas 9, Nays 0; April 8, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of crafted precious metal dealers; authorizing the change of a fee.

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

SECTION 1.  Section 1956.0612(c), Occupations Code, is amended to read as follows:

(c)  The commissioner shall prescribe the processing fee in an amount necessary to cover the costs of administering this subchapter [~~section~~].

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

Sec. 1956.0613.  INVESTIGATION BY COMMISSIONER. (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)  At the times the commissioner considers necessary, the commissioner or the commissioner's representative may:

(1)  examine each place of business of each dealer; and

(2)  investigate the dealer's transactions and records, including books, accounts, papers, and correspondence, to the extent the transactions and records pertain to the business regulated under this subchapter.

(c)  A dealer shall:

(1)  give the commissioner or the commissioner's representative free access to the dealer's office, place of business, files, safes, and vaults; and

(2)  allow the commissioner or the representative to make a copy of an item that may be investigated under Subsection (b)(2).

(d)  The commissioner or the commissioner's representative shall examine under Subsection (b) at least 10 dealers each calendar year.

SECTION 3.  Subchapter B, Chapter 1956, Occupations Code, is amended by adding Section 1956.0616 to read as follows:

Sec. 1956.0616.  NOTICE OF ENFORCEMENT ORDER. (a) As soon as practicable after an enforcement order against a dealer for a violation of this subchapter becomes final, including an order assessing an administrative penalty or an order to pay restitution under Section 14.251(b)(3), Finance Code, the commissioner shall provide notice of the order to:

(1)  the chief of police of the municipality in which the violation occurred; or

(2)  the sheriff of the county in which the violation occurred, if the violation did not occur in a municipality.

(b)  The notice must include:

(1)  a copy of the enforcement order;

(2)  the information on complaint procedures described by Section 14.062(b), Finance Code; and

(3)  any other information the commissioner considers necessary or proper to the enforcement of this subchapter.

SECTION 4.  (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b)  Section 1956.0613, Occupations Code, as amended by this Act, takes effect January 1, 2022.

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