

AN ACT

relating to the records of certain vehicle repairs, sales, and purchases; providing penalties.

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

SECTION 1. Section 2305.001, Occupations Code, is amended by amending Subdivisions (2) and (3) and adding Subdivision (4) to read as follows:

(2) "Repair" includes the rebuilding of a motor vehicle [~~an automobile~~], the installation of a new or used part or accessory on a motor vehicle [~~an automobile~~], and the performance of electrical work in connection with the repair of a motor vehicle [~~an automobile~~]. The term does not include a repair covered by Chapter 2304.

(3) "Used motor vehicle [~~automobile~~]" includes a secondhand motor vehicle [~~automobile~~].

(4) "Motor vehicle" has the meaning assigned by Section 501.002, Transportation Code.

SECTION 2. Section 2305.002, Occupations Code, is amended to read as follows:

Sec. 2305.002. APPLICATION OF SUBCHAPTER. This subchapter applies to any person who:

(1) operates a shop or garage that is engaged in the business of repairing motor vehicles [~~automobiles~~]; or

(2) engages in the business of purchasing or selling

1 used motor vehicles [~~automobiles~~] in this state.

2 SECTION 3. Section 2305.003(a), Occupations Code, is
3 amended to read as follows:

4 (a) A person subject to this subchapter shall maintain a
5 register of each repair the person makes to a motor vehicle [~~an~~
6 ~~automobile~~]. The register must contain a substantially complete
7 and accurate description of each motor vehicle [~~automobile~~] that is
8 repaired.

9 SECTION 4. Section 2305.004, Occupations Code, is amended
10 to read as follows:

11 Sec. 2305.004. REGISTER OF USED MOTOR VEHICLE [~~AUTOMOBILE~~]
12 SALES AND PURCHASES. (a) A person subject to this subchapter shall
13 maintain a register of each sale or purchase the person makes of a
14 used motor vehicle [~~automobile~~].

15 (b) If the person buys a used motor vehicle [~~automobile~~],
16 the register must contain:

17 (1) the make and model, the number of cylinders, the
18 motor number, the vehicle identification number, and the passenger
19 capacity of the motor vehicle, if applicable [~~automobile~~];

20 (2) the name, date of birth [~~sex, apparent age~~], usual
21 place of address, and official identification number [~~any special~~
22 ~~identifying physical characteristics~~] of each person claiming to be
23 the owner of the motor vehicle [~~automobile~~]; and

24 (3) the state registration number of the motor
25 vehicle, if applicable [~~automobile~~].

26 (c) If the person sells a used motor vehicle [~~automobile~~],
27 in addition to the requirements of Subsection (b), the register

must contain the name and~~[, the]~~ address~~[, and a description]~~ of the purchaser of the motor vehicle ~~[automobile]~~.

SECTION 5. Section 2305.006, Occupations Code, is amended to read as follows:

Sec. 2305.006. MAINTENANCE ~~[AND INSPECTION]~~ OF RECORDS.

(a) All records required to be maintained under this subchapter shall be[+]

~~[(1)]~~ kept until at least the first anniversary of the date the record is made~~[, and~~

~~[(2)] open for public inspection at all reasonable hours]~~.

(b) The registers required by Sections 2305.003 and 2305.004 shall be maintained in a clear and intelligent manner in a well-bound book or an electronic recordkeeping system and kept in a secure place in the office or place of business where the work is performed or the business is conducted. ~~[The registers shall be open at all times to inspection by:]~~

~~[(1)] a peace officer, or~~

~~[(2)] any person interested in tracing or locating stolen automobiles.]~~

SECTION 6. Subchapter A, Chapter 2305, Occupations Code, is amended by adding Section 2305.007 to read as follows:

Sec. 2305.007. ENTRY AND INSPECTION. (a) Except as provided by Subsection (b), for the purpose of enforcing or administering this chapter, Chapter 2302 of this code, or Chapter 501 or 502, Transportation Code, a member of the Texas Transportation Commission, an employee of the Texas Transportation

1 Commission or Texas Department of Transportation, a member of the
2 Public Safety Commission, an officer of the Department of Public
3 Safety, or another peace officer who is interested in tracing or
4 locating a stolen motor vehicle may at a reasonable time:

5 (1) enter the premises of a business regulated under
6 one of those chapters; and

7 (2) inspect or copy any document, record, vehicle,
8 part, or other item regulated under one of those chapters.

9 (b) For the purposes of tracing or locating a stolen motor
10 vehicle on the premises of a person engaging in a business or
11 activity regulated under this chapter who is also licensed under
12 Chapter 348, Finance Code, only an officer of the Department of
13 Public Safety may at a reasonable time:

14 (1) enter the premises of the person's business; and

15 (2) inspect or copy any document, record, vehicle,
16 part, or other item regulated under this chapter or Chapter 348,
17 Finance Code.

18 (c) A person engaging in a business or activity regulated
19 under this chapter shall cooperate with a person conducting an
20 inspection under this section to assist in the recovery of stolen
21 motor vehicles and parts and to prevent the sale or transfer of
22 stolen motor vehicles and parts.

23 (d) An entry or inspection occurs at a reasonable time for
24 purposes of Subsection (a) or (b) if the entry or inspection occurs:

25 (1) during normal business hours of the person or
26 activity regulated under a chapter listed in Subsection (a) or (b);
27 or

1 (2) while an activity regulated under a chapter listed
2 in Subsection (a) or (b) is occurring on the premises.

3 SECTION 7. Section 2305.101, Occupations Code, is amended
4 to read as follows:

5 Sec. 2305.101. CRIMINAL PENALTY. (a) A person [~~who~~
6 ~~violates this chapter~~] commits an offense if the person violates
7 this chapter or a rule adopted under this chapter.

8 (b) Except as provided by Subsection (c), an [An] offense
9 under this section is punishable by a fine of not less than \$10 and
10 not more than \$100.

11 (c) An offense under this chapter that consists of the
12 violation of Section 2305.007 is a Class A misdemeanor.

13 SECTION 8. (a) The changes in law made by this Act apply
14 only to an offense committed on or after the effective date of this
15 Act. For purposes of this section, an offense is committed before
16 the effective date of this Act if any element of the offense occurs
17 before that date.

18 (b) An offense committed before the effective date of this
19 Act is covered by the law in effect when the offense was committed,
20 and the former law is continued in effect for that purpose.

21 SECTION 9. This Act takes effect September 1, 2005.

David Newkum

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 3221 was passed by the House on May 13, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 3221 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Letsy Shaw
Secretary of the Senate

APPROVED:

17 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:10 PM O'CLOCK

Roger Williams
Secretary of State