

By: Harless

H.B. No. 3583

A BILL TO BE ENTITLED

AN ACT

relating to the authority of local law enforcement authorities to enforce certain laws regulating coin-operated machines; providing criminal penalties.

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

SECTION 1. Section 2153.102, Occupations Code, is amended to read as follows:

Sec. 2153.102. INFORMATION MADE AVAILABLE TO COMPTROLLER, ATTORNEY GENERAL, OR PEACE OFFICER. Except for information specifically designated as a public record, information derived from a book, record, report, or application required to be made available under this chapter to the comptroller, ~~or~~ the attorney general, or a peace officer:

(1) is confidential; and

(2) may be used only to enforce this chapter.

SECTION 2. Subchapter D, Chapter 2153, Occupations Code, is amended by adding Section 2153.1595 to read as follows:

Sec. 2153.1595. DISPLAY OF CERTIFICATE OF OCCUPANCY OR COMPLIANCE. (a) An owner or operator who is required to hold a license or registration certificate under Section 2153.151 must prominently display any certificate of occupancy or certificate of compliance issued by a political subdivision of this state for the premises where the music or skill or pleasure coin-operated machine is exhibited or displayed.

1 (b) A person who fails to prominently display the
2 certificate of occupancy or certificate of compliance as required
3 under Subsection (a) commits an offense. An offense under this
4 subsection is a Class B misdemeanor, except that the offense is:

5 (1) a Class A misdemeanor if the person has been
6 previously convicted one or two times of an offense under this
7 section; or

8 (2) a state jail felony if the person has been
9 previously convicted three or more times of an offense under this
10 section.

11 SECTION 3. Section 2153.351, Occupations Code, is amended
12 to read as follows:

13 Sec. 2153.351. CONSENT TO ENTRY. (a) Acceptance of a
14 license or registration certificate constitutes consent that the
15 comptroller or a peace officer may freely enter the licensed
16 business premises of the license or registration certificate holder
17 ~~[during normal business hours]~~ to ensure compliance with this
18 chapter:

19 (1) during normal business hours; and

20 (2) at any other time a music or skill or pleasure
21 coin-operated machine exhibited or displayed at the licensed
22 business premises is available for use.

23 (b) A person commits an offense if the person knowingly or
24 intentionally denies or hinders entry to a person authorized to
25 enter the business premises under this section.

26 (c) An offense under Subsection (b) is a Class A
27 misdemeanor.

SECTION 4. Section 2153.352(a), Occupations Code, is amended to read as follows:

(a) The comptroller, ~~or~~ an authorized representative of the comptroller, or a peace officer may seal a coin-operated machine in a manner that prevents the full operation of the machine if:

(1) the license or registration certificate of the person exhibiting or displaying the machine is suspended or revoked;

(2) the owner fails to pay a tax on the machine; or

(3) the machine is not registered with the comptroller under this chapter.

SECTION 5. Section 2153.355(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) exhibits or displays a coin-operated machine in this state for which outstanding tax is due;

(2) falsifies, fails to maintain, or refuses or fails to make available to the comptroller, ~~or~~ an authorized representative of the comptroller, or a peace officer, on request, records of coin-operated machines that the person is required to maintain;

(3) uses an artful device or deceptive practice in this state to conceal a violation of this chapter;

(4) misleads the comptroller, ~~or~~ an authorized representative of the comptroller, or a peace officer in connection with the enforcement of this chapter;

1 (5) breaks a seal attached by the comptroller, ~~[or]~~ an
2 authorized representative of the comptroller, or a peace officer
3 under Section 2153.352 without the comptroller's approval;

4 (6) exhibits or displays a coin-operated machine that
5 has a broken seal without the comptroller's approval;

6 (7) removes a coin-operated machine from the location
7 where the comptroller or a peace officer affixed a seal to the
8 machine; or

9 (8) violates this chapter or a rule adopted under this
10 chapter.

11 SECTION 6. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 covered by the law in effect when the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense was committed before that
18 date.

19 SECTION 7. This Act takes effect September 1, 2011.