

Information regarding House Bill 2243, 79th Regular Legislative Session

Please be advised that the Department intends to enforce the provisions of House Bill 2243 in accordance with the statement of intent entered by the author of the bill into the House Journal, which states as follows:

“The above legislation was not intended to apply to tow companies or other businesses who perform lockout service using a slim-jim or similar tool to open a vehicle upon the request of the owner or operator of the vehicle, but who do not perform locksmith service. The definition of locksmith service (“sells, installs, services, or maintains mechanical security devices, including deadbolts and locks”) does not include lockout service where the vehicle is simply opened. Clearly, in this situation, the lock (or “mechanical security device”) is being neither sold, installed, serviced nor maintained.

The above legislation was also not intended to apply to automobile clubs or other businesses who advertise that their services include locksmith services, but who provide the services through independent contractors or on a reimbursement basis. The phrase “advertises services offered by the company using the term ‘locksmith’” does not include the advertising of services that are offered by the company using the term “locksmith” when those services are not performed by the company, but by a licensed locksmith company.”

Therefore, registration and/or licensing under the Private Security Act is unnecessary for tow companies who provide lockout service where the vehicle is simply opened, and for automobile clubs who advertise locksmith services which are performed by an independent licensed locksmith company.