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Computer repair technicians may be acting illegally

Group deems license law unconstitutional, sues on techs' behalf

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Computer repairman and AustinPCTech owner Mike Rife had no idea - until a month ago - that he frequently breaks the law when he repairs his customers' computers.

The Institute for Justice, a legal advocacy group for entrepreneurs, informed Rife last month of a Texas state law requiring computer repair shops to have a private investigator's license to fix computers.

The institute filed a lawsuit Thursday against the Texas Private Security Board claiming that the law is unconstitutional.

According to the law passed in the 2007 Texas legislative session, the private investigator's license is required for repair technicians to analyze their customers' computer data. This analysis is common for business managers who wish to track their employees' computer usage or families who want to find out where their children or spouses have been online, said Matt Miller, executive director of the institute.

"Anyone that analyzes computer data has conducted this regulated service and needs a license," Miller said.

Rife said he determines how computer viruses originate by evaluating private data. He frequently repairs family computers that have viruses and is often asked to discover if a family member's account caused the virus.

If a computer repair technician conducts a computer service that the government considers an investigation, the technician could be subject to a Class A misdemeanor punishable by up to one year in jail and a \$4,000 fine. This law also considers consumers who knowingly enlist an unlicensed company to perform an investigative repair subject to the same penalties.

To obtain a private investigator's license, computer repair shop owners would have to close their businesses for up to three years to either earn a criminal justice degree or complete an apprenticeship under a licensed private investigator, Miller said.

"We are just a small shop," Rife said. "It would have a very serious impact if our business had to sign up for an entrepreneurship and pay the required fees,"

Until then, Rife said he is going to be more careful with which repairs he chooses to perform.

"I am just going to have to be really careful in scrutinizing work and the questions we are answering," he said.

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