

By: Madden

H.B. No. 38

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exemption from the private security law for persons
3 who furnish certain information regarding a business or
4 governmental entity.

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

6 SECTION 1. Subchapter N, Chapter 1702, Occupations Code, is
7 amended by adding Section 1702.331 to read as follows:

8 Sec. 1702.331. BUSINESS EVALUATION SERVICE. (a) This
9 chapter does not apply to a person who poses or acts anonymously as
10 a customer or client of a business or governmental entity or is in
11 the business of providing the services of another for the purpose of
12 evaluating the following operations or services of the business or
13 governmental entity:

14 (1) a service or product provided to a customer or
15 client;

16 (2) compliance with policies and operational
17 procedures;

18 (3) the appearance, cleanliness, efficiency, and
19 other operations of the office, facility, or physical plant;

20 (4) the friendliness, courtesy, or appearance of an
21 employee;

22 (5) the necessity or effectiveness of a training
23 program or employee reward or other incentive program;

24 (6) the quality, availability, or price of goods or

1 services; and

2 (7) other operations or customer services of the
3 business or governmental entity the evaluation of which is not
4 otherwise prohibited by this chapter.

5 (b) A person described by Subsection (a) is entitled to the
6 exemption under that subsection only if:

7 (1) the person:

8 (A) uses an evaluation tool prescribed or
9 approved by the business or governmental entity seeking the
10 evaluation; and

11 (B) does not engage in the investigation or
12 observation of an employee or agent to determine whether the
13 employee or agent has committed a crime; and

14 (2) the information obtained is not intended to be
15 used by the business or governmental entity as the sole basis for
16 the discipline or discharge of an employee or agent.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect November 1, 2003.