

## **BILL ANALYSIS**

C.S.H.B. 2079  
By: Driver  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, the alarm system industry is regulated under Chapter 1702 of the Occupations Code. However, technology has changed in the industry since regulatory provisions were enacted, and changes in the code are needed to reflect the new technology and properly protect the public interest. C.S.H.B. 2079 updates the Occupations Code to reflect advances in security alarm technology.

### **RULEMAKING AUTHORITY**

It is the opinion of this committee that rulemaking authority is expressly delegated to the Texas Commission on Private Security in SECTION 10 (Section 1702.236 of the Occupations Code) and SECTION 15 of this bill.

### **ANALYSIS**

C.S.H.B. 2079 amends Section 1702.002 of the Occupations Code by deleting the current definition of “Alarm system” and replacing it with a definition that includes electronic equipment and devices designed to detect or signal unauthorized entry or the occurrence of a robbery or other emergency, electronic devices using a computer or data processor to control access through a door, gate, or other entrance, and cameras that record, archive, or monitor an area.

C.S.H.B. 2079 amends Subchapter D, Chapter 1702, Occupations Code by adding Section 1702.0635, which prohibits the Texas Commission on Private Security from adopting rules or establishing unduly restrictive experience or education requirements that limit a person’s ability to be licensed as an electronic access control device company or be registered as an electronic access control device installer.

C.S.H.B. 2079 amends Chapter 1702 of the Occupations Code by adding Section 1702.1025, which provides that unless a person holds a license as an electronic access control device company, the person is prohibited from offering to perform services or engaging in business activity for which a license is required under this chapter. The bill adds Section 1702.2225 to the Occupations Code, which provides that unless a person is registered as a locksmith company, the person is prohibited from offering to perform services or engaging in business activity for which registration is required under this chapter.

C.S.H.B. 2079 amends Subchapter F, Chapter 1702, Occupations Code by adding Sections 1702.1055 and 1702.1056. These sections provide that a person acts as an electronic access control device company if the person installs or maintains electronic access control devices, and that a person acts as a locksmith company if the person installs and maintains mechanical security devices and cuts keys for mechanical security devices.

C.S.H.B. 2079 amends Section 1702.221 of the Occupations Code by requiring an electronic access control device installer and a locksmith to register with the Texas Commission on Private Security.

C.S.H.B. 2079 amends Subchapter J, Chapter 1702, Occupations Code by adding Section 1702.236, which requires an individual who applies for registration as an electronic access control device installer to pass an examination given by or approved by the Texas Commission on Private Security. Before September 1, 2005, the commission shall allow an electronic access control device installer to obtain or

renew a certificate of registration by fulfilling the requirements of a commissioned-approved, industry-based educational training program. On and after September 1, 2005, the commission, by rule, may allow but is not required to allow an electronic access control device installer to obtain or renew a certificate of registration by fulfilling the requirements of a commissioned-approved, industry-based educational training program. A party who asserts that the commission has adopted a rule in violation of this chapter may appeal to the attorney general, and the attorney general shall make a determination on an appeal by the 90th day after the appeal was submitted.

C.S.H.B. 2079 amends Section 1702.239(a) of the Occupations Code to reduce from 20 to 16 the number of hours of classroom instruction that must be required by a training program in order for it to be approved by the Texas Commission on Private Security for certification of alarm systems installers and security salespersons.

C.S.H.B. 2079 amends Section 1702.324 of the Occupations Code by removing certain locksmiths from the list that provides which entities are exempt from Chapter 1702 of the Occupations Code.

C.S.H.B. 2079 requires the Texas Commission on Private Security to adopt rules necessary to administer the changes in law made by this Act by January 1, 2004.

Notwithstanding Sections 1702.1025, 1702.2225, and 1702.221 of the Occupations Code, a person is not required to hold a license as an electronic access control device company or be registered as an electronic access control device installer, a locksmith company, or a locksmith before September 1, 2004.

Sections 1702.1025 and 1702.2225 of the Occupations Code, as added by this Act, take effect January 1, 2004.

#### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2079 modifies the original by adding language that prohibits the Texas Commission on Private Security from adopting rules or establishing unduly restrictive experience or education requirements that limit a person's ability to be licensed as an electronic access control device company or be registered as an electronic access control device installer.

The substitute defines electronic access control device company and locksmith company and adds sections which prohibit unlicensed or unregistered persons from offering to perform services or engaging in business activities of an electronic access control device company or a locksmith company.

The substitute requires an electronic access control device installer and a locksmith to register with the Texas Commission on Private Security.

The substitute requires an individual who applies for registration as an electronic access control device installer to pass an examination approved by the Texas Commission on Private Security, and the commission is authorized to require an electronic access control device installer to obtain or renew a certification by a commission-approved, industry-based educational training program.

The substitute removes certain locksmiths from the list that provides which entities are exempt from Chapter 1702 of the Occupations Code.

The substitute requires the Texas Commission on Private Security to adopt rules necessary to administer the changes in law made by this Act no later than January 1, 2004.