

BILL ANALYSIS

Senate Research Center
78R10106 YDB-D

C.S.S.B. 943
By: Williams
Business & Commerce
4-1-2003
Committee Report (Substituted)

DIGEST AND PURPOSE

The Texas Commission on Private Security (TCPS) licenses and regulates private investigation services and security services. The Private Security Act prohibits a person from engaging in the business activity of an investigation company unless the person holds a license issued by TCPS. Mystery shopping is a business practice used to improve business operational and service quality through the use of anonymous resources. The broad interpretation of current statute requires that certain mystery shoppers be licensed under the Act. C.S.S.B. 943 exempts a person who engages in certain business evaluation services from the Private Security Act, and enumerates the prerequisites for exemption.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1702N, Occupations Code, by adding Section 1702.331, as follows:

Sec. 1702.331. BUSINESS EVALUATION SERVICE. (a) Exempts from this chapter a person poses or acts anonymously as a customer or client of a business or governmental entity, or who is in the business of providing the services of another for the purpose of evaluating certain services.

(b) Sets forth the prerequisites for a person described by Subsection (a) to be entitled to exemption under that subsection.

SECTION 2. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Differs from the original in the relating clause by including the specification that the exemption is for certain persons, and by deleting the specification of information regarding the operational or customer service activities.

Differs from the original in SECTION 1 by making the list of evaluation services inclusive and by removing from the criteria for exemption under Subsection (a) a redundant requirement to act anonymously as a customer or client of the business or governmental entity and the requirement to be qualified and trained in the evaluation practices and procedures, and by redesignating the subdivisions accordingly.

Differs from the original in SECTION 1 by including the specification that the information obtained is not intended to be used by the business or governmental entity as the sole basis for the discipline or discharge of an employee or agent, rather than one or more employees or agents.

Differs from the original in SECTION 1 by making the bill conform to legislative drafting standards.