

## **BILL ANALYSIS**

Senate Research Center  
78R11805 AKH-D

C.S.S.B. 1907  
By: Armbrister  
Intergovernmental Relations  
5/5/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, municipalities are authorized to require a person to pay an annual fee, not exceeding \$50 per year, to obtain a permit before the person may use an alarm system in the municipality. Municipalities are not allowed to impose penalties or fees for the signaling of false alarms until after the fifth false alarm within a 12-month period. Penalties must be established by ordinance and may not exceed \$50 when it is a burglar alarm, or may not exceed the actual expenses incurred for the response. C.S.S.B. 1907 allows municipalities to charge certain amounts for permits, allows municipalities to charge certain amounts for false alarms, and allows a municipality to revoke a permit after the eighth false alarm in a 12-month period.

### **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 Section 214.194, Local Government Code, as follows:

Sec. 214.194. FEE FOR MUNICIPAL PERMIT. Prohibits the fee, if a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, from exceeding a certain rate.

SECTION 2. Amends Section 214.195, Local Government Code, by amending Subsections (a) and (d) and adding Subsections (e) and (f), as follows:

(a) Prohibits a municipality, except as provided in Subsection (e), rather than Subsection (d), from terminating its law enforcement response to a residential or commercial location, rather than terminating its law enforcement response to a permit holder because of excess false alarms if the false fees are paid.

(d) Authorizes a municipality to revoke a permit or refuse to permit particular systems that have had eight or more false alarms during the preceding 12-month period, rather than to set standards for systems to be permitted and refusing to permit particular systems which in its discretion have a history of unreliability.

(e) Authorizes a municipality that requires an alarm system permit to terminate its law enforcement response to a residential or commercial location if a permit has not been obtained for that property or if the permit is revoked or refused under Subsection (d).

(f) Provides that a municipality that does not respond to the signaling of an alarm as described under Subsection (e) is not liable for damages that may occur relating to the cause of the alarm system signal.

SECTION 3. Amends Subchapter F, Chapter 214, Local Government Code, by adding Section 214.1955, as follows:

Sec. 214.1955. MULTI-UNIT HOUSING FACILITIES. (a) Prohibits a municipality from refusing to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multi-unit housing facility.

(b) Requires the municipality, in issuing an alarm system permit for an alarm installed in an individual residential unit of a multi-unit housing facility, to issue the permit to the person occupying the individual residential unit.

(c) Authorizes a municipality to impose a penalty under Section 214.197 for the signaling of a false alarm on the premises of a multi-unit housing facility for a facility other than an individual residential unit only if the permit holder is notified of certain information.

SECTION 4. Amends Section 214.197, Local Government Code, as follows:

Sec. 214.197. New heading: PENALTIES FOR FALSE ALARMS. Authorizes a municipality to impose a penalty for the signaling of a false alarm by a burglar alarm system if at least three, rather than five, other false alarms have occurred during the preceding 12-month period. Prohibits the amount of the penalty for the signaling of a false alarm as described by Section 214.196 from exceeding a certain amount. Deletes existing Subsection (b).

SECTION 5. Amends Subchapter F, Chapter 214, Local Government Code, by adding Section 214.198, as follows:

Sec. 214.198. VERIFICATION. Authorizes a municipality to require an alarm systems monitor to attempt contact with the occupant of the alarm system location twice before the municipality responds to the alarm system signal.

SECTION 6. Amends Subchapter L, Chapter 1702, Occupations Code, by adding Section 1702.286, as follows:

Sec. 1702.286. DUTIES OF ALARM SYSTEMS COMPANY. (a) Requires an alarm systems company, on the installation or activation of an alarm system, to distribute to the occupant of the alarm system location information summarizing certain information.

(b) Requires an alarm systems company to notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th day after the date of the installation or activation. Requires the alarm systems company to provide to the municipality certain information.

(c) Provides that information provided to a governmental body under this section is confidential and subject to disclosure only as provided under Section 1702.284.

SECTION 7. Provides that Section 1702.286, Occupations Code, as added by this Act, applies only to an alarm system installed or activated on or after January 1, 2004.

SECTION 8. Effective date: September 1, 2003.