

By: Driver

H.B. No. 1769

A BILL TO BE ENTITLED

AN ACT

relating to occupations regulated by the Texas Commission on
Private Security.

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

SECTION 1. Sections 1702.002(1), (6), (7), and (11),
Occupations Code, are amended to read as follows:

(1) "Alarm system" means an alarm system, burglar
alarm signal device, electronic key pad with a panic alarm feature,
burglar alarm, robbery alarm, motion [~~television~~] camera, [~~or~~]
still camera, or access system for a building with a central
computer used to signal the presence of an emergency to which law
enforcement or emergency services other than a fire department may
be [~~are~~] expected to respond.

(6) "Detection device" means an electronic device used
as a part of a burglar or robbery alarm, including a control,
audible alarm, communications device, motion detector, door or
window switch, sound detector, vibration detector, light beam,
pressure mat, wiring, or similar device.

(7) "Extra job coordinator" means a peace officer who:

(A) is employed full-time by the state or a
political subdivision of the state [~~municipality~~]; and

(B) schedules other peace officers to provide
guard, patrolman, or watchman services in a private capacity who
are:

1 (i) employed full-time by the state or a
2 political subdivision of the state [~~municipality~~]; and

3 (ii) not employed by the extra job
4 coordinator.

5 (11) "Letter of authority" means a permit issued by
6 the commission that entitles the security department of a private
7 business to employ a commissioned or noncommissioned security
8 officer or a political subdivision to employ a commissioned
9 security officer.

10 SECTION 2. Section 1702.061(f), Occupations Code, is
11 amended to read as follows:

12 (f) The commission may commission investigators who are
13 employed full-time by the commission as peace officers [~~for the~~
14 ~~limited purpose of assisting the commission in investigating~~
15 ~~alleged violations of this chapter and of commission rules~~].

16 SECTION 3. Section 1702.062, Occupations Code, is amended
17 to read as follows:

18 Sec. 1702.062. FEES. (a) The commission by rule shall
19 establish reasonable and necessary fees that produce sufficient
20 revenue to administer this chapter. [~~The fees may not produce~~
21 ~~unnecessary fund balances and may not exceed the following amounts:~~

22	[Class A license	\$250
23	[(original and renewal)	
24	[Class B license	\$300
25	[(original and renewal)	
26	[Class C license	\$440
27	[(original and renewal)	

1	[Reinstate suspended license	\$150
2	[Assignment of license	\$150
3	[Change name of license	\$ 75
4	[Delinquency fee	=====
5	[Branch office certificate and renewal	\$200
6	[Registration fee for private investigator, manager,	
7	branch office manager, and alarm systems installer	\$ 20
8	[(original and renewal)	
9	[Registration fee for noncommissioned security officer	\$ 25
10	[(original and renewal)	
11	[Registration fee for security salesperson	\$ 20
12	[Registration fee for alarm systems monitor	\$ 20
13	[Registration fee for dog trainer	\$ 20
14	[Registration fee for owner, officer, partner, or	
15	shareholder of a license holder	\$ 50
16	[Registration fee for security consultant	\$ 55
17	[Security officer commission fee	\$ 50
18	[(original and renewal)	
19	[School instructor fee	\$100
20	[(original and renewal)	
21	[School approval fee	\$250
22	[(original and renewal)	
23	[Letter of authority fee for private business	
24	and political subdivision	\$300
25	[Letter of authority renewal fee for private	
26	business and political subdivision	\$225
27	[FBI fingerprint check	\$ 25

1	[Duplicate pocket card	\$ 10
2	[Employee information update fee	\$ 15
3	[Burglar alarm sellers renewal fee	\$ 25
4	[Personal protection officer authorization	\$ 50]

5 (b) In addition to ~~[other]~~ fees established under this
6 chapter or the General Appropriations Act, the commission may
7 charge a fee each time the commission requires a person regulated
8 under this chapter to resubmit a set of fingerprints for processing
9 by the commission during the application process for a license,
10 registration, or commission. The commission shall set the fee in an
11 amount that is reasonable and necessary to cover the commission's
12 administrative expenses related to processing the fingerprints.

13 (c) A person whose pocket card has not expired is not
14 eligible to receive from the commission another pocket card in the
15 same classification in which the pocket card is held.

16 SECTION 4. Section 1702.105, Occupations Code, is amended
17 to read as follows:

18 Sec. 1702.105. ALARM SYSTEMS COMPANY. A person acts as an
19 alarm systems company for the purposes of this chapter if the
20 person:

21 (1) sells, installs, services, monitors, or responds
22 to an alarm system or detection device; or

23 (2) consults with a person to sell, install, service,
24 monitor, or respond to an alarm system or detection device.

25 SECTION 5. Section 1702.114, Occupations Code, is amended
26 to read as follows:

27 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR

1 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a license to
2 engage in the business of an investigations company or the
3 applicant's manager must have, before the date of the application,
4 three [~~consecutive~~] years' experience in the investigative field as
5 an employee, manager, or owner of an investigations company or
6 satisfy other requirements set by the commission.

7 (b) The applicant's experience must have been legally
8 obtained and must be:

9 (1) reviewed by the commission or the director; and

10 (2) determined to be adequate to qualify the applicant
11 to engage in the business of an investigations company.

12 SECTION 6. Section 1702.115(a), Occupations Code, is
13 amended to read as follows:

14 (a) An applicant for a license to engage in the business of a
15 security services contractor or the applicant's manager must have,
16 before the date of the application, two [~~consecutive~~] years'
17 experience in each security services field for which the person
18 applies as an employee, manager, or owner of a security services
19 contractor or satisfy other requirements set by the commission.

20 SECTION 7. Section 1702.223, Occupations Code, is amended
21 to read as follows:

22 Sec. 1702.223. ALARM SYSTEMS INSTALLER. An individual acts
23 as an alarm systems installer for purposes of this chapter if the
24 individual installs, maintains, or repairs an alarm system or a
25 detection device.

26 SECTION 8. Section 1702.227, Occupations Code, is amended
27 to read as follows:

1 Sec. 1702.227. SECURITY SALESPERSON. An individual acts as
2 a security salesperson for purposes of this chapter if the
3 individual offers to sell, service, or install an alarm system or a
4 detection device [~~is employed by a security services contractor to~~
5 ~~sell services offered by the contractor~~].

6 SECTION 9. Section 1702.309(a), Occupations Code, is
7 amended to read as follows:

8 (a) The commission by rule shall develop a continuing
9 education course [~~in handgun proficiency~~] required for renewal of a
10 security officer commission. Only a commission-approved
11 instructor may administer the continuing education course. The
12 course must include[+]

13 [~~(1)~~] at least six [~~four~~] hours of instruction
14 determined by the director of the commission [~~on one or more of the~~
15 ~~subjects listed in Section 1702.1675(g), and~~

16 [~~(2) other information that the director determines is~~
17 ~~appropriate~~].

18 SECTION 10. Section 1702.323, Occupations Code, is amended
19 by amending Subsections (a) and (d) and adding Subsection (e) to
20 read as follows:

21 (a) Except as provided by Subsections (b), [and] (d), and
22 (e), this chapter does not apply to an individual employed in an
23 employee-employer relationship exclusively and regularly by one
24 employer in connection with the affairs of the employer.

25 (d) This chapter applies to an individual described by
26 Subsection (a) who[+]

27 [~~(1) works at a location that is open to the public,~~

1 ~~and~~

2 ~~[(2)]~~ in the course of employment:

3 (1) ~~[(A) regularly]~~ comes into contact with the
4 public; ~~[and]~~

5 (2) ~~[(B)]~~ wears a uniform with any type of badge
6 commonly associated with security personnel or law enforcement or a
7 patch or apparel with "security" ~~[or the name of the employer]~~ on
8 the patch or apparel; or

9 (3) performs a duty described by Section 1702.222.

10 (e) This chapter applies to any person who conducts an
11 investigation if the investigation involves a person, or the
12 affairs of a person, who is not employed by the same employer as the
13 person conducting the investigation and the investigation is not
14 conducted on the premises of the employer. Premises of the employer
15 include walkways, parking areas, and other areas relating to the
16 affairs of the employer.

17 SECTION 11. The following laws are repealed:

18 (1) Section 1702.166, Occupations Code; and

19 (2) Section 1702.281, Occupations Code.

20 SECTION 12. The changes in law made by this Act apply only
21 to a license, certification, registration, commission, or letter of
22 authority that is originally issued or renewed on or after the
23 effective date of this Act. An issuance or renewal that occurs
24 before the effective date of this Act is governed by the law in
25 effect immediately before the effective date of this Act, and the
26 former law is continued in effect for that purpose.

27 SECTION 13. This Act takes effect September 1, 2003.