

By: Driver

H.B. No. 2079

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain activities associated with providing private security.

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

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

(1) "Alarm system" means:

(A) electronic equipment and devices designed to detect or signal:

(i) an unauthorized entry or attempted entry of a person or object into a residence, business, or area monitored by the system; or

(ii) the occurrence of a robbery or other emergency;

(B) electronic equipment and devices using a computer or data processor designed to control the access of a person, vehicle, or object through a door, gate, or entrance into the controlled area of a residence or business; or

(C) a television camera or still camera system that records, archives, or monitors property or individuals in a public or private area of a residence or business ~~[an alarm system, burglar alarm signal device, burglar alarm, robbery alarm, television camera, or still camera used to signal the presence of an emergency to which law enforcement or emergency services are~~

1 ~~expected to respond~~].

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

7 SECTION 2. Section 1702.124(a), Occupations Code, is
8 amended to read as follows:

9 (a) The commission may not issue a license unless the
10 applicant files with the commission:

11 (1) evidence of a general liability insurance policy
12 on a certificate of insurance form prescribed by the Texas
13 Department of Insurance [~~commission~~] and countersigned by an
14 insurance agent licensed in this state; or

15 (2) a certificate of insurance for surplus lines
16 coverage obtained under Chapter 981 [~~Article 1.14-2~~], Insurance
17 Code, through a licensed Texas surplus lines agent resident in this
18 state.

19 SECTION 3. Section 1702.223, Occupations Code, is amended
20 to read as follows:

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

25 SECTION 4. Section 1702.239(a), Occupations Code, is
26 amended to read as follows:

27 (a) The commission may require that an individual employed

1 as an alarm systems installer or security salesperson hold a
2 certification by a commission-approved training program to renew an
3 initial registration. The commission may approve only nationally
4 recognized training programs that consist of at least 16 [~~20~~] hours
5 of classroom study in the areas of work allowed by the registration.
6 To be approved, a training program must offer at least two
7 certification programs each year, sufficient to complete the
8 requirements of this subsection, within 100 miles of each county in
9 the state that has a population of more than 500,000.

10 SECTION 5. Section 1702.324(b), Occupations Code, is
11 amended to read as follows:

12 (b) This chapter does not apply to:

13 (1) a manufacturer or a manufacturer's authorized
14 distributor who sells equipment to a license holder that is used in
15 the operations for which the person is required to be licensed;

16 (2) a person engaged exclusively in the business of
17 obtaining and providing information to:

18 (A) determine creditworthiness;

19 (B) collect debts; or

20 (C) ascertain the reliability of information
21 provided by an applicant for property, life, or disability
22 insurance or an indemnity or surety bond;

23 (3) a person engaged exclusively in the business of
24 repossessing property that is secured by a mortgage or other
25 security interest;

26 (4) a locksmith who:

27 (A) does not sell, install, or service alarm

1 systems or detection devices;

2 (B) does not conduct investigations; and

3 (C) is not a security services contractor;

4 (5) a person who:

5 (A) is engaged in the business of psychological
6 testing or other testing and interviewing services, including
7 services to determine attitudes, honesty, intelligence,
8 personality, and skills, for preemployment purposes; and

9 (B) does not perform any other service that
10 requires a license under this chapter;

11 (6) a person who:

12 (A) is engaged in obtaining information that is a
13 public record under Chapter 552, Government Code, regardless of
14 whether the person receives compensation;

15 (B) is not a full-time employee, as defined by
16 Section 61.001, Labor Code, of a person licensed under this
17 chapter; and

18 (C) does not perform any other act that requires
19 a license under this chapter;

20 (7) a licensed professional engineer practicing
21 engineering or directly supervising engineering practice under
22 Chapter 1001, Occupations Code [~~The Texas Engineering Practice Act~~
23 ~~(Article 3271a, Vernon's Texas Civil Statutes)~~], including
24 forensic analysis, burglar alarm system engineering, and necessary
25 data collection;

26 (8) an employee of a cattle association who inspects
27 livestock brands under the authority granted to the cattle

1 association by the Grain Inspection, Packers and Stockyards
2 Administration of the United States Department of Agriculture;

3 (9) a landman performing activities in the course and
4 scope of the landman's business;

5 (10) an attorney while engaged in the practice of law;

6 (11) a person who obtains a document for use in
7 litigation under an authorization or subpoena issued for a written
8 or oral deposition; or

9 (12) an admitted insurer, insurance adjuster, agent,
10 or insurance broker licensed by the state, performing duties in
11 connection with insurance transacted by that person.

12 SECTION 6. Section 1702.328, Occupations Code, is amended
13 to read as follows:

14 Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION.
15 This chapter does not apply to:

16 (1) a person who owns and installs a burglar detection
17 or alarm device on the person's own property or, if the person does
18 not charge for the device or the installation, installs the device
19 for the protection of the person's personal property located on
20 another person's property and does not, as a normal business
21 practice, install the devices on the property of another;

22 (2) a person in the business of building construction
23 that installs electrical wiring and devices that may include in
24 part the installation of a burglar alarm or detection device if:

25 (A) the person is a party to a contract that
26 provides that:

27 (i) the installation will be performed

1 under the direct supervision of, and inspected and certified by, a
2 person licensed to install and certify the alarm or detection
3 device; and

4 (ii) the license holder assumes full
5 responsibility for the installation of the alarm or detection
6 device; and

7 (B) the person does not service or maintain alarm
8 systems [~~burglar alarms~~] or detection devices;

9 (3) a person who sells or installs automobile burglar
10 alarm devices and who does not perform any other act that requires a
11 license under this chapter; or

12 (4) a person who sells exclusively over the counter or
13 by mail order [~~burglar~~] alarm systems or detection [~~signal~~]
14 ~~devices[, burglary alarms, television cameras, still cameras, or~~
15 ~~other electrical, mechanical, or electronic devices used for~~
16 ~~preventing or detecting burglary, theft, or other losses].~~

17 SECTION 7. This Act takes effect September 1, 2003.