

By: Madden

H.B. No. 2637

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exemption from the private security laws for certain
3 persons engaged in the business of furnishing information regarding
4 the operational or customer service activities of a business or
5 governmental entity.

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

7 SECTION 1. Subchapter N, Chapter 1702, Occupations Code, is
8 amended by adding a new Section 1702.331 to read as follows:

9 Sec. 1702.331. BUSINESS EVALUATION SERVICE. (a) This
10 chapter does not apply to a person who is engaged in the business of
11 providing the services of one or more individuals who pose or act
12 anonymously as a customer or client of a business or governmental
13 entity, or the individual or individuals who perform such acts, for
14 the purpose of evaluating the following operational or customer
15 service elements of a business or governmental entity:

16 (1) the services or products provided to customers or
17 clients;

18 (2) compliance with policies and operational
19 procedures;

20 (3) the appearance, cleanliness, efficiency and other
21 operational aspects of the office, facility, or physical plant;

22 (4) the friendliness, courtesy, or appearance of
23 specific employees;

24 (5) the need for or effectiveness of training programs

1 or employee rewards or other incentive programs;

2 (6) the quality, availability and prices of the goods
3 or services; or

4 (7) other operational or customer service elements of
5 the business or governmental entity not otherwise prohibited by
6 this chapter.

7 (b) A person satisfies the requirements of subsection (a) of
8 this section if:

9 (1) the individual who poses or acts anonymously as a
10 customer or client of the business or governmental entity:

11 (i) uses an evaluation tool prescribed or
12 approved by the business or governmental entity seeking the
13 evaluation; and

14 (ii) does not engage in the investigation or
15 observation of one or more employees or agents for the purpose of
16 determining whether the employee or agent has committed a crime;
17 and

18 (2) the information obtained through the use of the
19 evaluation tool is not to be used by the business or governmental
20 entity as the sole basis for the discipline or discharge of one or
21 more of its employees or agents.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.