

By: Smith of Tarrant

H.B. No. 3236

Substitute the following for H.B. No. 3236:

By: Hunter

C.S.H.B. No. 3236

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of alarm systems and alarm systems companies.

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

SECTION 1. Section 214.194, Local Government Code, is amended to read as follows:

Sec. 214.194. FEE FOR MUNICIPAL PERMIT. 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, the fee may not exceed the rate of:

(1) \$50 a year for a residential location; or

(2) \$100 a year for a commercial location.

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

(a) Except as provided in Subsection (e) [~~(d) of this section~~], a municipality may not terminate its law enforcement response to a residential or commercial location [~~permit holder because of excess false alarms if the false alarm fees are paid in full~~].

(d) A municipality may revoke a permit or [~~set standards for systems to be permitted and may~~] refuse to permit particular systems that have had eight or more false alarms during the

1 preceding 12-month period [~~which in its discretion have a history~~
2 ~~of unreliability~~].

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

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

11 SECTION 3. Subchapter F, Chapter 214, Local Government
12 Code, is amended by adding Section 214.1955 to read as follows:

13 Sec. 214.1955. MULTI-UNIT HOUSING FACILITIES. (a) A
14 municipality may not refuse to issue an alarm system permit for a
15 residential location solely because the residential location is an
16 individual residential unit located in a multi-unit housing
17 facility.

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

22 (c) A municipality may impose a penalty under Section
23 214.197 for the signaling of a false alarm on the premises of a
24 multi-unit housing facility for a facility other than an individual
25 residential unit only if the permit holder is notified of:

- 26 (1) the date of the signaling of the false alarm;
27 (2) the address of the multi-unit housing facility

1 where the signaling of the false alarm occurred; and

2 (3) the identification of the individual facility, if
3 applicable, located on the multi-unit housing facility premises
4 where the signaling of the false alarm occurred.

5 SECTION 4. Section 214.197, Local Government Code, is
6 amended to read as follows:

7 Sec. 214.197. PENALTIES FOR FALSE ALARMS [~~PENALTY~~
8 ~~LIMITATIONS~~]. [~~(a)~~] A municipality may [~~not~~] impose a penalty [~~or~~
9 ~~fee~~] for the signaling of a false alarm by a burglar alarm system if
10 [unless] at least three [~~five~~] other false alarms have occurred
11 during the preceding 12-month period. The amount of the penalty for
12 the signaling of a false alarm as described by Section 214.196 may
13 not exceed:

14 (1) \$50, if the location has had more than three but
15 fewer than six other false alarms in the preceding 12-month period;

16 (2) \$75, if the location has had more than five but
17 fewer than eight other false alarms in the preceding 12-month
18 period; or

19 (3) \$100, if the location has had eight or more other
20 false alarms in the preceding 12-month period.

21 [~~(b) A penalty or fee imposed for a false alarm must be~~
22 ~~established by ordinance based on the type and level of emergency~~
23 ~~response provided. This fee may not exceed \$50 in the case of the~~
24 ~~category of burglar alarms. The penalty or fee for a false alarm~~
25 ~~may not exceed the actual expenses incurred for the response.]~~

26 SECTION 5. Subchapter F, Chapter 214, Local Government
27 Code, is amended by adding Section 214.198 to read as follows:

1 Sec. 214.198. VERIFICATION. A municipality may require an
2 alarm systems monitor to attempt contact with the occupant of the
3 alarm system location twice before the municipality responds to the
4 alarm system signal.

5 SECTION 6. Subchapter L, Chapter 1702, Occupations Code, is
6 amended by adding Section 1702.286 to read as follows:

7 Sec. 1702.286. DUTIES OF ALARM SYSTEMS COMPANY. (a) On the
8 installation or activation of an alarm system, an alarm systems
9 company shall distribute to the occupant of the alarm system
10 location information summarizing:

11 (1) the applicable law relating to false alarms,
12 including the potential for penalties and revocation or suspension
13 of a permit;

14 (2) how to prevent false alarms; and

15 (3) how to operate the alarm system.

16 (b) An alarm systems company shall notify the municipality
17 in which the alarm system is located of an installation or
18 activation of an alarm system not later than the 30th day after the
19 date of the installation or activation. The alarm systems company
20 shall provide to the municipality:

21 (1) the alarm systems company name;

22 (2) the alarm systems company license number;

23 (3) the name of the occupant of the alarm system
24 location;

25 (4) the address of the alarm system location; and

26 (5) the date of installation or activation.

27 (c) Information provided to a governmental body under this

1 section is confidential and subject to disclosure only as provided
2 under Section 1702.284.

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

6 SECTION 8. This Act takes effect September 1, 2003.