

By: Smith of Tarrant

H.B. No. 3236

A BILL TO BE ENTITLED

AN ACT

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

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; and

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

SECTION 2. Section 214.197, Local Government Code, is amended to read as follows:

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

(1) \$50, if the location has had more than one but fewer than four other false alarms in the preceding 12-month

1 period;

2 (2) \$75, if the location has had four or more but fewer
3 than six other false alarms in the preceding 12-month period; and

4 (3) \$100, if the location has had six or more other
5 false alarms in the preceding 12-month period.

6 (b) If a location has had six or more other false alarms in
7 the preceding 12-month period, the municipality may revoke or
8 suspend the permit instead of imposing a penalty under Subsection
9 (a). A person whose permit has been revoked or suspended under this
10 section is not a permit holder for the purposes of this subchapter.
11 ~~[A penalty or fee imposed for a false alarm must be established by~~
12 ~~ordinance based on the type and level of emergency response~~
13 ~~provided. This fee may not exceed \$50 in the case of the category of~~
14 ~~burglar alarms. The penalty or fee for a false alarm may not exceed~~
15 ~~the actual expenses incurred for the response.]~~

16 SECTION 3. Subchapter F, Chapter 214, Local Government
17 Code, is amended by adding Sections 214.1935 and 214.198 to read as
18 follows:

19 Sec. 214.1935. EFFECT OF NOT OBTAINING PERMIT. (a) A
20 municipality is not required to provide a response to the signaling
21 of an alarm by an alarm system if a permit has not been obtained as
22 required by the municipality.

23 (b) A municipality that does not respond to the signaling of
24 an alarm as described under Subsection (a) is not liable for damages
25 that may occur relating to the cause of the alarm system signal.

26 Sec. 214.198. VERIFICATION. A municipality may require an
27 alarm systems monitor or the municipality's emergency dispatch, as

1 applicable, to attempt contact with the occupant of the alarm
2 system location twice before the municipality responds to the alarm
3 system signal.

4 SECTION 4. Subchapter L, Chapter 1702, Occupations Code, is
5 amended by adding Section 1702.286 to read as follows:

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

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

13 (2) how to prevent false alarms; and

14 (3) how to operate the alarm system.

15 (b) An alarm systems installer shall notify the
16 municipality in which the alarm system is located of an
17 installation or activation of an alarm system not later than the
18 30th day after the date of the installation or activation. The
19 installer shall provide the name of the occupant of the alarm system
20 location, the address of the alarm system location, and the date of
21 installation or activation.

22 (c) Information provided to a governmental body under this
23 section is confidential and subject to disclosure only as provided
24 under Section 1702.284.

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

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