

By: Williams

S.B. No. 943

A BILL TO BE ENTITLED

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AN ACT

relating to an exemption from the private security law for persons who furnish certain information regarding a business or governmental entity.

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

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

Sec. 1702.331. BUSINESS EVALUATION SERVICE. (a) This chapter does not apply to a person who poses or acts anonymously as a customer or client of a business or governmental entity or is in the business of providing the services of another for the purpose of evaluating the following operations or services of the business or governmental entity:

- (1) a service or product provided to a customer or client;
- (2) compliance with policies and operational procedures;
- (3) the appearance, cleanliness, efficiency, and other operations of the office, facility, or physical plant;
- (4) the friendliness, courtesy, or appearance of an employee;
- (5) the necessity or effectiveness of a training program or employee reward or other incentive program;
- (6) the quality, availability, or price of goods or

1 services; and

2 (7) other operations or customer services of the  
3 business or governmental entity the evaluation of which is not  
4 otherwise prohibited by this chapter.

5 (b) A person described by Subsection (a) is entitled to the  
6 exemption under that subsection only if:

7 (1) the person:

8 (A) uses an evaluation tool prescribed or  
9 approved by the business or governmental entity seeking the  
10 evaluation; and

11 (B) does not engage in the investigation or  
12 observation of an employee or agent to determine whether the  
13 employee or agent has committed a crime; and

14 (2) the information obtained is not intended to be  
15 used by the business or governmental entity as the sole basis for  
16 the discipline or discharge of an employee or agent.

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