

By: Williams

S.B. No. 943

A BILL TO BE ENTITLED

AN ACT

1  
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 providing to the business or governmental entity, an  
15 evaluation of:

16 (1) the services or products provided to its customers  
17 or clients by its employees or agents;

18 (2) compliance by its employees or agents with its  
19 policies and operational procedures;

20 (3) the appearance, cleanliness, efficiency and other  
21 operational aspects of its 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 incentive programs;

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

4 (7) other aspects of the operation of the business or  
5 governmental entity, as determined by the business or governmental  
6 entity, not otherwise prohibited by this chapter.

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

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

11 (i) is qualified and trained in its evaluation  
12 practices and procedures by the person or entity engaged in  
13 offering or providing the services described in this section;

14 (ii) uses an evaluation tool prescribed or  
15 approved by the business or governmental entity seeking the  
16 evaluation; and

17 (iii) does not engage in the investigation or  
18 observation of one or more of its employees or agents for the  
19 purpose of determining whether an employee has committed a crime;  
20 and

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

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.