

1-1 By: Williams S.B. No. 943  
1-2 (In the Senate - Filed March 6, 2003; March 11, 2003, read  
1-3 first time and referred to Committee on Business and Commerce;  
1-4 April 3, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 3, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 943 By: Fraser

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to an exemption from the private security law for persons  
1-11 who furnish certain information regarding a business or  
1-12 governmental entity.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter N, Chapter 1702, Occupations Code, is  
1-15 amended by adding Section 1702.331 to read as follows:

1-16 Sec. 1702.331. BUSINESS EVALUATION SERVICE. (a) This  
1-17 chapter does not apply to a person who poses or acts anonymously as  
1-18 a customer or client of a business or governmental entity or is in  
1-19 the business of providing the services of another for the purpose of  
1-20 evaluating the following operations or services of the business or  
1-21 governmental entity:

1-22 (1) a service or product provided to a customer or  
1-23 client;

1-24 (2) compliance with policies and operational  
1-25 procedures;

1-26 (3) the appearance, cleanliness, efficiency, and  
1-27 other operations of the office, facility, or physical plant;

1-28 (4) the friendliness, courtesy, or appearance of an  
1-29 employee;

1-30 (5) the necessity or effectiveness of a training  
1-31 program or employee reward or other incentive program;

1-32 (6) the quality, availability, or price of goods or  
1-33 services; and

1-34 (7) other operations or customer services of the  
1-35 business or governmental entity the evaluation of which is not  
1-36 otherwise prohibited by this chapter.

1-37 (b) A person described by Subsection (a) is entitled to the  
1-38 exemption under that subsection only if:

1-39 (1) the person:

1-40 (A) uses an evaluation tool prescribed or  
1-41 approved by the business or governmental entity seeking the  
1-42 evaluation; and

1-43 (B) does not engage in the investigation or  
1-44 observation of an employee or agent to determine whether the  
1-45 employee or agent has committed a crime; and

1-46 (2) the information obtained is not intended to be  
1-47 used by the business or governmental entity as the sole basis for  
1-48 the discipline or discharge of an employee or agent.

1-49 SECTION 2. This Act takes effect immediately if it receives  
1-50 a vote of two-thirds of all the members elected to each house, as  
1-51 provided by Section 39, Article III, Texas Constitution. If this  
1-52 Act does not receive the vote necessary for immediate effect, this  
1-53 Act takes effect September 1, 2003.

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