

1-1 By: Armbrister S.B. No. 1907
1-2 (In the Senate - Filed April 8, 2003; April 9, 2003, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 6, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 6, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1907 By: Gallegos

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

1-10 relating to the regulation of alarm systems and alarm systems
1-11 companies.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 214.194, Local Government Code, is
1-14 amended to read as follows:

1-15 Sec. 214.194. FEE FOR MUNICIPAL PERMIT. If a municipality
1-16 adopts an ordinance that requires a person to pay an annual fee to
1-17 obtain a permit from the municipality before the person may use an
1-18 alarm system in the municipality, the fee may not exceed the rate
1-19 of:

- 1-20 (1) \$50 a year for a residential location; or
1-21 (2) \$100 a year for a commercial location.

1-22 SECTION 2. Section 214.195, Local Government Code, is
1-23 amended by amending Subsections (a) and (d) and adding Subsections
1-24 (e) and (f) to read as follows:

1-25 (a) Except as provided in Subsection (e) [~~(d) of this~~
1-26 ~~section~~], a municipality may not terminate its law enforcement
1-27 response to a residential or commercial location [~~permit holder~~
1-28 ~~because of excess false alarms if the false alarm fees are paid in~~
1-29 ~~full~~].

1-30 (d) A municipality may revoke a permit or [~~set standards for~~
1-31 ~~systems to be permitted and may~~] refuse to permit particular
1-32 systems that have had eight or more false alarms during the
1-33 preceding 12-month period [~~which in its discretion have a history~~
1-34 ~~of unreliability~~].

1-35 (e) A municipality that requires an alarm system permit may
1-36 terminate its law enforcement response to a residential or
1-37 commercial location if a permit has not been obtained for that
1-38 property or if the permit is revoked or refused under Subsection
1-39 (d).

1-40 (f) A municipality that does not respond to the signaling of
1-41 an alarm as described under Subsection (e) is not liable for damages
1-42 that may occur relating to the cause of the alarm system signal.

1-43 SECTION 3. Subchapter F, Chapter 214, Local Government
1-44 Code, is amended by adding Section 214.1955 to read as follows:

1-45 Sec. 214.1955. MULTI-UNIT HOUSING FACILITIES. (a) A
1-46 municipality may not refuse to issue an alarm system permit for a
1-47 residential location solely because the residential location is an
1-48 individual residential unit located in a multi-unit housing
1-49 facility.

1-50 (b) In issuing an alarm system permit for an alarm installed
1-51 in an individual residential unit of a multi-unit housing facility,
1-52 the municipality shall issue the permit to the person occupying the
1-53 individual residential unit.

1-54 (c) A municipality may impose a penalty under Section
1-55 214.197 for the signaling of a false alarm on the premises of a
1-56 multi-unit housing facility for a facility other than an individual
1-57 residential unit only if the permit holder is notified of:

- 1-58 (1) the date of the signaling of the false alarm;
1-59 (2) the address of the multi-unit housing facility
1-60 where the signaling of the false alarm occurred; and
1-61 (3) the identification of the individual facility, if
1-62 applicable, located on the multi-unit housing facility premises
1-63 where the signaling of the false alarm occurred.

SECTION 4. 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 three ~~[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 three but fewer than six other false alarms in the preceding 12-month period;

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

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

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

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

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

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

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

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

(2) how to prevent false alarms; and

(3) how to operate the alarm system.

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

(1) the alarm systems company name;

(2) the alarm systems company license number;

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

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

(5) the date of installation or activation.

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

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

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

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