

BILL ANALYSIS

Senate Research Center

H.B. 2304
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Intergovernmental Relations
5/21/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

There is a need that the alarm industry take more responsibility for these false alarms. H.B. 2304 establishes a system to reduce the number of false alarms to which police must respond. It also requires a municipality that adopts an ordinance requiring a person to pay an annual fee to obtain an alarm system permit to use the fees for certain purposes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Private Security in SECTION 7 (Section 1702.288, Occupation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 214.194, Local Government Code, as follows:

Sec. 214.194. New heading: MUNICIPAL PERMIT FEE GENERALLY. (a) Provides that 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 is required to be used for the general administration of this subchapter, including the provision of responses generally required to implement this subchapter other than specific responses to false alarms.

(b) Prohibits a municipal permit fee imposed under this section from exceeding a certain rate for certain locations.

SECTION 2. Amends the heading to Section 214.195, Local Government Code, to read as follows:

Sec. 214.195. NONRENEWAL OR REVOCATION OF PERMIT AND TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.

SECTION 3. Amends Sections 214.195(a) and (d), Local Government Code, as follows:

(a, Prohibits a municipality from terminating its law enforcement response to a residential or commercial permit holder because of excess false alarms if the false alarm fees are paid in full, except as provided in Subsection (d), rather than of this section.

(d) Authorizes a municipality to revoke or refuse to renew the permit of an alarm system that has had eight or more false alarms during the preceding 12-month period. Deletes existing text relating to certain revocations relating to set standards for alarm systems and certain refusals for alarm systems with history of unreliability.

SECTION 4. Amends Subchapter F, Chapter 214, Local Government Code, by adding Section 214.1955, as follows:

Sec. 214.1955. MULTIUNIT HOUSING FACILITIES. (a) Prohibits a municipality from refusing to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multiunit housing facility.

(b) Requires the municipality, in issuing an alarm system permit for an alarm installed in an individual residential unit of a multiunit housing facility, to issue the permit to the person occupying the individual residential unit.

(c) Authorize a municipality to impose a penalty under Section 214.197 for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit only if the permit holder is notified of certain notifications relating to false alarms.

SECTION 5. Amends Section 214.197, Local Government Code, as follows:

Sec. 214.197. New heading: PENALTIES FOR FALSE ALARMS. Authorizes a municipality to impose a penalty for the signaling of a false alarm by a burglar alarm system if at least three other false alarms have occurred during the preceding 12-month period, rather than prohibiting the imposition of a penalty unless at least five other false alarms have occurred during the preceding 12-month period. Prohibits the amount of the penalty for the signaling of a false alarm as described by Section 214.196 (On-site Inspection Required) from exceeding certain amounts. Deletes Subsection (b) relating to a penalty or fee imposed for a false alarm. Makes a nonsubstantive change.

SECTION 6. Amends Subchapter F, Chapter 214, Local Government Code, by adding Sections 214.198-214.200 to read as follows:

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

Sec. 214.199. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM RESPONSE. (a) Prohibits the governing body of a municipality from adopting an ordinance providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance, the governing body of the municipality takes certain action.

(b) Prohibits a municipality that adopts an ordinance under this section from imposing or collecting any fine, fee, or penalty otherwise authorized by this subchapter.

Sec. 214.200. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED; LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Provides that nothing in this subchapter affects the priority or level of response provided by a municipality to a permitted location; or waives the governmental immunity provided by law for a municipality.

(b) Provides that a municipality that does not respond to an alarm signal is not liable for damages that may occur relating to the cause of the alarm signal.

SECTION 7. Amends Subchapter L, Chapter 1702, Occupations Code, by adding Sections 1702.286, 1702.287, and 1702.288, as follows:

Sec. 1702.286. DUTIES OF ALARM SYSTEMS COMPANY. (a) Requires an alarm systems company, on the installation or activation of an alarm system, to distribute to the occupant of the alarm system location information summarizing certain laws and information relating to alarm systems

(b) Requires an alarm systems company to 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. Requires the alarm systems company to provide to the municipality certain alarm system information, certain information of the occupant of the alarm system, and the date of installation or activation.

(c) Provides that information provided to a governmental body under this section is confidential and subject to disclosure only as provided under Section 1702.284 (Alarm Systems Records Confidential).

(d) Provides that an alarm systems company commits an offense if the company violates Subsection (a) or (b). Provides that an offense under this subsection is a Class C misdemeanor.

(e) Provides that the duties imposed by this section on an alarm systems company do not apply to the installation or activation of a personal emergency response system, as defined under Section 1702.006.

Sec. 1702.287. DETECTION DEVICE CONTROL PANELS; MINIMUM STANDARDS. Prohibits an alarm systems company from installing any alarm system on or after January 1, 2007, that includes a detection device control panel unless the control panel meets or exceeds the standards of the American National Standards Institute for false alarm reduction.

Sec. 1702.288. NOTICE OF CERTAIN INFORMATION TO RECIPIENT OF ALARM SYSTEM SERVICES. (a) Requires the Texas Commission on Private Security (board) to adopt rules in accordance with this section that require a license holder acting as an alarm systems company under this chapter to inform each of the license holder's clients that the client is entitled to receive a written contract for alarm system services that contains the client's fee arrangement and other relevant information about services to be rendered.

(b) Requires the rules to require that a written contract for alarm system services be furnished to a client in accordance with Subsection (a) not later than the seventh day after the date the client requests the written contract.

(c) Requires the rules to require that the written contract for services be dated and signed by the owner or manager of an alarm systems company or a person expressly authorized by the owner or manager to sign written contracts on behalf of the company.

(d) Requires the rules to require that, not later than the seventh day after the date of entering into a contract for services regulated by the board with another alarm systems company or alarm systems monitor, an alarm systems company is required to make certain notifications.

(e) Requires the rules to require that notice provided to a recipient of services under Subsection (d) be mailed in a certain manner and include certain materials.

SECTION 8. Makes application of Section 1702.286, Occupations Code, as added by this Act, prospective to on or after January 1, 2006.

SECTION 9. Effective date: September 1, 2005.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1:

Amends H.B. 2304, as follows:

(1) Amends Section 214.191, Local Government Code, by adding a new Subsection (3), to define "third party verification."

(2) Amends SECTION 6. Amends Section 214.199, Local Government Code, as follows:

Sec. 214.199. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM RESPONSE. (a) Prohibits a municipality, notwithstanding any other provision of this

section, from adopting an ordinance or policy providing that law enforcement personnel of the municipality will not respond or will require a third party verification before responding to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance or policy, the municipality takes certain actions relating to alarm systems.

(b) Prohibits a municipality that adopts an ordinance or policy under this section from imposing or collecting any fine, fee, or penalty otherwise authorized by this subchapter.