

BILL ANALYSIS

C.S.H.B. 3140
By: Hughes
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Senate Bill 1252 in the 78th Legislature amended the Occupations Code to reflect advances in security alarm system technology. This legislation created unintended consequences affecting the electronic access control industry, including placing the door and access industry under the regulation of the Private Security Bureau (PSB).

The purpose of C.S.H.B. 3140 is to clarify the scope of the PSB's regulation in the security area.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3140 amends Section 1702.002(1), Occupations Code, by adding to the definition of "Alarm system" a television camera or still camera that records or archives images of property or individuals in a public or private area of residence or business or is monitored by security personnel or services.

The bill further amends Section 1702.002 of the Occupations Code by adding subsection (1-a) to provide that for purposes of the definition, "alarm system" does not include a telephone entry system, an operator for opening or closing a residential or commercial gate or door, or an accessory used only to activate a gate or door, if the system, operator, or accessory is not connected to an alarm system.

The bill amends Section 1702.002(6-a), Occupations Code, to provide that an "electronic access control device" includes a telephone entry system that allows access to a controlled area of a business, but that is not monitored by security personnel or services, but does not include an operator for opening or closing a commercial gate or door or an accessory, such as a fixed or portable transmitter, card-reader, or keypad, if the operator or accessory is used only to activate the gate or door and is not connected to an alarm system.

The bill amends Section 1702.324(b)(1), Occupations Code, to provide that Chapter 1702 does not apply to a manufacturer or authorized distributor who sells equipment intended for resale and does not perform any other service that requires a license under this chapter.

The bill amends Section 1702.328(4), Occupations Code, to provide that Chapter 1702 does not apply to a person who sells exclusively by e-commerce.

The bill makes conforming and non-substantive changes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill amends Subchapter N, Chapter 1702, Occupations Code, by adding Section 1702.332 to provide that Chapter 1702 does not apply to a manufacturer, distributor, or installer

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of an electronic access control device that operates for the sole purpose of providing convenient and unrestricted access through a garage door or gate, such as an automatic garage door opener or automatic gate for a private residence. The substitute does not add this section.

The substitute amends the definition of "alarm system" in Section 1702.002(1), Occupations Code. The substitute amends Section 1702.002 of the Occupations Code by adding subsection (1-a) to provide that for purposes of the definition, "alarm system" does not include a telephone entry system, an operator for opening or closing a residential or commercial gate or door, or an accessory used only to activate a gate or door, if the system, operator, or accessory is not connected to an alarm system. The substitute amends Section 1702.002(6-a), Occupations Code, to provide that an "electronic access control device" includes a telephone entry system that provides access to a controlled area of a business, but that is not monitored by security personnel or services, but does not include an operator for opening or closing a commercial gate or door or an accessory, such as a fixed or portable transmitter, card-reader, or keypad, if the operator or accessory is used only to activate the gate or door and is not connected to an alarm system. The substitute amends Section 1702.324(b)(1), Occupations Code, to provide that Chapter 1702 does not apply to a manufacturer or authorized distributor who sells equipment intended for resale and does not perform any other service that requires a license under this chapter. The substitute amends Section 1702.328(4), Occupations Code, to provide that Chapter 1702 does not apply to a person who sells exclusively by e-commerce. The original bill did not amend any of the sections amended by the substitute.

The original bill takes effect on September 1, 2005. The substitute takes effect upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.