

By: Driver, et al.

H.B. No. 2304

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of alarm systems and alarm systems companies; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Sec. 214.194. [~~FEE FOR~~] MUNICIPAL PERMIT FEE GENERALLY.

(a) 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 shall 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) A municipal permit fee imposed under this section may not exceed the rate of:

(1) \$50 a year for a residential location; or

(2) \$100 a year for a commercial location.

SECTION 2. The heading to Section 214.195, Local Government Code, is amended to read as follows:

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

SECTION 3. Sections 214.195(a) and (d), Local Government

1 Code, are amended to read as follows:

2 (a) Except as provided in Subsection (d) [~~of this section~~],
3 a municipality may not terminate its law enforcement response to a
4 residential or commercial permit holder because of excess false
5 alarms if the false alarm fees are paid in full.

6 (d) A municipality may revoke or [~~set standards for systems~~
7 ~~to be permitted and may~~] refuse to renew the permit of an alarm
8 system that has had eight or more false alarms during the preceding
9 12-month period [~~permit particular systems which in its discretion~~
10 ~~have a history of unreliability~~].

11 SECTION 4. Subchapter F, Chapter 214, Local Government
12 Code, is amended by adding Section 214.1955 to read as follows:

13 Sec. 214.1955. MULTIUNIT HOUSING FACILITIES. (a) A
14 municipality may not refuse to issue an alarm system permit for a
15 residential location solely because the residential location is an
16 individual residential unit located in a multiunit housing
17 facility.

18 (b) In issuing an alarm system permit for an alarm installed
19 in an individual residential unit of a multiunit housing facility,
20 the municipality shall issue the permit to the person occupying the
21 individual residential unit.

22 (c) A municipality may impose a penalty under Section
23 214.197 for the signaling of a false alarm on the premises of a
24 multiunit housing facility for a facility other than an individual
25 residential unit only if the permit holder is notified of:

26 (1) the date of the signaling of the false alarm;

27 (2) the address of the multiunit housing facility

1 where the signaling of the false alarm occurred; and

2 (3) the identification of the individual facility, if
3 applicable, located on the multiunit housing facility premises
4 where the signaling of the false alarm occurred.

5 SECTION 5. Section 214.197, Local Government Code, is
6 amended to read as follows:

7 Sec. 214.197. PENALTIES FOR FALSE ALARMS [~~PENALTY~~
8 ~~LIMITATIONS~~]. [~~(a)~~] A municipality may [~~not~~] impose a penalty [~~or~~
9 ~~fee~~] for the signaling of a false alarm by a burglar alarm system if
10 [unless] at least three [~~five~~] other false alarms have occurred
11 during the preceding 12-month period. The amount of the penalty for
12 the signaling of a false alarm as described by Section 214.196 may
13 not exceed:

14 (1) \$50, if the location has had more than three but
15 fewer than six other false alarms in the preceding 12-month period;

16 (2) \$75, if the location has had more than five but
17 fewer than eight other false alarms in the preceding 12-month
18 period; or

19 (3) \$100, if the location has had eight or more other
20 false alarms in the preceding 12-month period.

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

26 SECTION 6. Subchapter F, Chapter 214, Local Government
27 Code, is amended by adding Sections 214.198-214.200 to read as

1 follows:

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

6 Sec. 214.199. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM
7 RESPONSE. (a) The governing body of a municipality may not adopt
8 an ordinance providing that law enforcement personnel of the
9 municipality will not respond to any alarm signal indicated by an
10 alarm system in the municipality unless, before adopting the
11 ordinance, the governing body of the municipality:

12 (1) makes reasonable efforts to notify permit holders
13 of its intention to adopt the ordinance; and

14 (2) conducts a public hearing at which persons
15 interested in the response of the municipality to alarm systems are
16 given the opportunity to be heard.

17 (b) A municipality that adopts an ordinance under this
18 section may not impose or collect any fine, fee, or penalty
19 otherwise authorized by this subchapter.

20 Sec. 214.200. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED;
21 LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this
22 subchapter:

23 (1) affects the priority or level of response provided
24 by a municipality to a permitted location; or

25 (2) waives the governmental immunity provided by law
26 for a municipality.

27 (b) A municipality that does not respond to an alarm signal

1 is not liable for damages that may occur relating to the cause of
2 the alarm signal.

3 SECTION 7. Subchapter L, Chapter 1702, Occupations Code, is
4 amended by adding Sections 1702.286, 1702.287, and 1702.288 to read
5 as follows:

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

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

13 (2) how to prevent false alarms; and

14 (3) how to operate the alarm system.

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

20 (1) the alarm systems company name;

21 (2) the alarm systems company license number;

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

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

25 (5) the date of installation or activation.

26 (c) Information provided to a governmental body under this
27 section is confidential and subject to disclosure only as provided

1 under Section 1702.284.

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

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

8 Sec. 1702.287. DETECTION DEVICE CONTROL PANELS; MINIMUM
9 STANDARDS. An alarm systems company may not install any alarm
10 system on or after January 1, 2007, that includes a detection device
11 control panel unless the control panel meets or exceeds the
12 standards of the American National Standards Institute for false
13 alarm reduction.

14 Sec. 1702.288. NOTICE OF CERTAIN INFORMATION TO RECIPIENT
15 OF ALARM SYSTEM SERVICES. (a) The board shall adopt rules in
16 accordance with this section that require a license holder acting
17 as an alarm systems company under this chapter to inform each of the
18 license holder's clients that the client is entitled to receive a
19 written contract for alarm system services that contains the
20 client's fee arrangement and other relevant information about
21 services to be rendered.

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

26 (c) The rules shall require that the written contract for
27 services shall be dated and signed by the owner or manager of an

1 alarm systems company or a person expressly authorized by the owner
2 or manager to sign written contracts on behalf of the company.

3 (d) The rules shall require that, not later than the seventh
4 day after the date of entering into a contract for services
5 regulated by the board with another alarm systems company or alarm
6 systems monitor, an alarm systems company shall:

7 (1) notify the recipient of those services of the
8 name, address, and telephone number, and individual to contact at
9 the company that purchased the contract;

10 (2) notify the recipient of services at the time the
11 contract is negotiated that another licensed company may provide
12 any of the services requested by subcontracting or outsourcing
13 those services; and

14 (3) if any of the services are subcontracted or
15 outsourced to a licensed third party, notify the recipient of
16 services, by mail, of the name, address, phone number, and license
17 number of the company providing those services.

18 (e) The rules shall require that notice provided to a
19 recipient of services under Subsection (d) shall:

20 (1) be mailed to the recipient in a written form that
21 emphasizes the required information; and

22 (2) include stickers or other materials to be affixed
23 to an alarm system indicating the alarm systems company's or alarm
24 systems monitor's new telephone number.

25 SECTION 8. Section 1702.286, Occupations Code, as added by
26 this Act, applies only to an alarm system installed or activated on
27 or after January 1, 2006.

1 SECTION 9. This Act takes effect September 1, 2005.