

By: Driver

H.B. No. 2304

Substitute the following for H.B. No. 2304:

By: Jackson

C.S.H.B. No. 2304

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of alarm systems and alarm systems companies.

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. Section 214.197, Local Government Code, is
12 amended to read as follows:

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

20 (1) \$50, if the location has had more than three but
21 fewer than six other false alarms in the preceding 12-month period;

22 (2) \$75, if the location has had more than five but
23 fewer than eight other false alarms in the preceding 12-month
24 period; or

25 (3) \$100, if the location has had eight or more other
26 false alarms in the preceding 12-month period.

27 [~~(b) A penalty or fee imposed for a false alarm must be~~

1 ~~established by ordinance based on the type and level of emergency~~
2 ~~response provided. This fee may not exceed \$50 in the case of the~~
3 ~~category of burglar alarms. The penalty or fee for a false alarm~~
4 ~~may not exceed the actual expenses incurred for the response.]~~

5 SECTION 5. Subchapter F, Chapter 214, Local Government
6 Code, is amended by adding Sections 214.198-214.200 to read as
7 follows:

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

12 Sec. 214.199. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM
13 RESPONSE. (a) The governing body of a municipality may not adopt
14 an ordinance providing that law enforcement personnel of the
15 municipality will not respond to any alarm signal indicated by an
16 alarm system in the municipality unless, before adopting the
17 ordinance, the governing body of the municipality:

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

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

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

26 Sec. 214.200. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED;
27 LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this

1 subchapter:

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

4 (2) waives the governmental immunity provided by law
5 for a municipality.

6 (b) A municipality that does not respond to an alarm signal
7 is not liable for damages that may occur relating to the cause of
8 the alarm signal.

9 SECTION 6. Subchapter L, Chapter 1702, Occupations Code, is
10 amended by adding Sections 1702.286 and 1702.287 to read as
11 follows:

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

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

19 (2) how to prevent false alarms; and

20 (3) how to operate the alarm system.

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

26 (1) the alarm systems company name;

27 (2) the alarm systems company license number;

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

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

4 (5) the date of installation or activation.

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

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 SECTION 7. Section 1702.286, Occupations Code, as added by
15 this Act, applies only to an alarm system installed or activated on
16 or after January 1, 2006.

17 SECTION 8. This Act takes effect September 1, 2005.