

By: Driver

H.B. No. 2304

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of alarm systems and alarm systems
3 companies.

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

5 SECTION 1. Section 214.191(1), Local Government Code, is
6 amended to read as follows:

7 (1) "Alarm system" means a device or system that
8 transmits a signal intended to summon police of a municipality in
9 response to an indication of [a] burglary, robbery, duress, or
10 panic. The term includes an alarm that emits an audible signal on
11 the exterior of a structure. The term does not include an alarm
12 installed on a vehicle, unless the vehicle is used for a habitation
13 at a permanent site, or an alarm designed to alert only the
14 inhabitants within the premises.

15 SECTION 2. Section 214.192, Local Government Code, is
16 amended to read as follows:

17 Sec. 214.192. CATEGORIES OF ALARM SYSTEMS. The category of
18 alarm system to be regulated is burglary, robbery, duress, and
19 panic.

20 SECTION 3. Subchapter F, Chapter 214, Local Government
21 Code, is amended by adding Section 214.1925 to read as follows:

22 Sec. 214.1925. MUNICIPAL PERMIT REQUIRED. (a) The
23 governing body of a municipality shall, by ordinance, require that
24 a person obtain a permit from the municipality before operating an

1 alarm system in the municipality.

2 (b) This section does not apply to a municipality that
3 adopts an ordinance under Section 214.199.

4 SECTION 4. Section 214.193(a), Local Government Code, is
5 amended to read as follows:

6 (a) An ordinance adopted under Section 214.1925 [~~If a~~
7 ~~municipality adopts an ordinance that requires a person to obtain a~~
8 ~~permit from the municipality before a person may use an alarm system~~
9 ~~in the municipality, the ordinance] must provide that the permit
10 required by the ordinance is valid for at least one year.~~

11 SECTION 5. Section 214.194, Local Government Code, is
12 amended to read as follows:

13 Sec. 214.194. FEE FOR MUNICIPAL PERMIT. A municipality may
14 require an annual fee for an alarm system permit authorized by this
15 subchapter. The [~~If a municipality adopts an ordinance that~~
16 ~~requires a person to pay an annual fee to obtain a permit from the~~
17 ~~municipality before the person may use an alarm system in the~~
18 ~~municipality, the] fee may not exceed the rate of:~~

19 (1) \$50 a year for a residential location; or

20 (2) \$100 a year for a commercial location.

21 SECTION 6. Subchapter F, Chapter 214, Local Government
22 Code, is amended by adding Section 214.1945 to read as follows:

23 Sec. 214.1945. MUNICIPAL RESPONSE TO ALARM SIGNAL NOT
24 REQUIRED IN ABSENCE OF VALID PERMIT. A municipality is not required
25 to provide a law enforcement response to an alarm system signal at a
26 residential or commercial location if:

27 (1) a permit required by the municipality for the

1 operation of the alarm system was not obtained, regardless of
2 whether the municipality refused to issue the permit;

3 (2) a required permit was revoked by the municipality
4 in accordance with Section 214.195(d); or

5 (3) on expiration of a required permit, notice was
6 provided by the municipality as required by Section 214.195(c).

7 SECTION 7. The section heading to Section 214.195, Local
8 Government Code, is amended to read as follows:

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

12 SECTION 8. Sections 214.195(a) and (d), Local Government
13 Code, are amended to read as follows:

14 (a) Except as provided in Subsection (d) of this section, a
15 municipality may not terminate its law enforcement response to a
16 residential or commercial permit holder because of excess false
17 alarms if the false alarm fees are paid in full.

18 (d) A municipality may revoke or [~~set standards for systems~~
19 ~~to be permitted and may~~] refuse to renew the permit of an alarm
20 system that has had eight or more false alarms during the preceding
21 12-month period [~~permit particular systems which in its discretion~~
22 ~~have a history of unreliability~~].

23 SECTION 9. Subchapter F, Chapter 214, Local Government
24 Code, is amended by adding Section 214.1955 to read as follows:

25 Sec. 214.1955. MULTI-UNIT HOUSING FACILITIES. (a) A
26 municipality may not refuse to issue an alarm system permit for a
27 residential location solely because the residential location is an

1 individual residential unit located in a multi-unit housing
2 facility.

3 (b) In issuing an alarm system permit for an alarm installed
4 in an individual residential unit of a multi-unit housing facility,
5 the municipality shall issue the permit to the person occupying the
6 individual residential unit.

7 (c) A municipality may impose a penalty under Section
8 214.197 for the signaling of a false alarm on the premises of a
9 multi-unit housing facility for a facility other than an individual
10 residential unit only if the permit holder is notified of:

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

12 (2) the address of the multi-unit housing facility
13 where the signaling of the false alarm occurred; and

14 (3) the identification of the individual facility, if
15 applicable, located on the multi-unit housing facility premises
16 where the signaling of the false alarm occurred.

17 SECTION 10. Section 214.196, Local Government Code, is
18 amended to read as follows:

19 Sec. 214.196. ON-SITE INSPECTION REQUIRED. A municipality
20 may not consider a false alarm to have occurred unless a response is
21 made by an agency of the municipality within 30 minutes of the alarm
22 notification and the agency determines from an inspection of the
23 [~~interior or~~] exterior of the premises that the alarm was false.

24 SECTION 11. Section 214.197, Local Government Code, is
25 amended to read as follows:

26 Sec. 214.197. PENALTIES FOR FALSE ALARMS [~~PENALTY~~
27 ~~LIMITATIONS~~]. [~~(a)~~] A municipality may [~~not~~] impose a penalty [~~or~~

1 ~~fee~~] for the signaling of a false alarm by an [~~a burglar~~] alarm
2 system if [~~unless~~] at least three [~~five~~] other false alarms have
3 occurred during the preceding 12-month period. The amount of the
4 penalty for the signaling of a false alarm as described by Section
5 214.196 may not exceed:

6 (1) \$50, if the location has had more than three but
7 fewer than six other false alarms in the preceding 12-month period;

8 (2) \$75, if the location has had more than five but
9 fewer than eight other false alarms in the preceding 12-month
10 period; or

11 (3) \$100, if the location has had eight or more other
12 false alarms in the preceding 12-month period.

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

18 SECTION 12. Subchapter F, Chapter 214, Local Government
19 Code, is amended by adding Sections 214.198-214.201 to read as
20 follows:

21 Sec. 214.198. LIMITATION ON FINES, FEES, AND PENALTIES.

22 (a) Notwithstanding any other provision of this subchapter, the
23 finances, fees, and penalties issued by a municipality to a person who
24 holds a permit for an alarm system regulated under this subchapter
25 may not exceed the municipality's actual cost of providing relevant
26 services.

27 (b) On a biennial basis, each municipality shall conduct an

1 audit of the municipality's actual expenses associated with
2 providing services to alarm system permit holders during the
3 preceding 12-month period, including expenses associated with law
4 enforcement responses, expenses incurred in the collection of
5 finances, fees, and penalties, and other administrative expenses, and
6 shall adjust the amounts of any fines, fees, or penalties
7 accordingly.

8 Sec. 214.199. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM
9 RESPONSE. (a) Notwithstanding any other provision of this
10 subchapter, the governing body of a municipality may adopt an
11 ordinance providing that law enforcement personnel of the
12 municipality will not respond to any alarm signal indicated by an
13 alarm system in the municipality.

14 (b) Before a municipality may adopt an ordinance under this
15 section, the governing body of the municipality must:

16 (1) post notice at appropriate public places in the
17 municipality for 90 days immediately before the adoption of the
18 ordinance; and

19 (2) during the 60-day period immediately before
20 adoption of the ordinance, conduct two public hearings at which
21 persons interested in the response of the municipality to alarm
22 systems are given the opportunity to be heard.

23 (c) 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. EFFECT OF SUBCHAPTER ON WAIVER OF SOVEREIGN
27 IMMUNITY OR PRIORITY OF RESPONSE. Nothing in this subchapter:

1 (1) waives the sovereign immunity of a municipality or
2 otherwise authorizes any cause of action or damage against a
3 municipality or its employees in addition to the remedies
4 authorized by Chapter 101, Civil Practice and Remedies Code; or

5 (2) affects the priority of any response provided by a
6 municipality to a permitted location.

7 Sec. 214.201. LIABILITY OF MUNICIPALITY FOR NONRESPONSE TO
8 ALARM SIGNAL. A municipality that does not respond to an alarm
9 system signal is not liable for damages that may occur relating to
10 the cause of the alarm signal if the municipality:

11 (1) was not required to provide a law enforcement
12 response to the signal for a reason described under Section
13 214.1945; or

14 (2) adopted an ordinance under Section 214.199
15 providing that law enforcement personnel of the municipality will
16 not respond to any alarm signal.

17 SECTION 13. Subchapter L, Chapter 1702, Occupations Code,
18 is amended by adding Sections 1702.286-1702.288 to read as follows:

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

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

26 (2) how to prevent false alarms; and

27 (3) how to operate the alarm system.

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

6 (1) the alarm systems company name;

7 (2) the alarm systems company license number;

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

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

11 (5) the date of installation or activation.

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

15 (d) The notice required by Subsection (b) shall be provided
16 by fax or electronic mail or through the United States Postal
17 Service.

18 Sec. 1702.287. DETECTION DEVICE CONTROL PANELS; MINIMUM
19 STANDARDS. An alarm systems company may not install any alarm
20 system on or after January 1, 2007, that includes a detection device
21 control panel unless the control panel meets or exceeds the
22 standards of the American National Standards Institute for false
23 alarm reduction.

24 Sec. 1702.288. VERIFICATION BY ALARM SYSTEMS MONITOR. (a)
25 In this section, "alarm systems monitor" means a person described
26 by Section 1702.224.

27 (b) In the event of the signaling of an alarm system, an

1 alarm systems monitor shall make a minimum of two attempts to
2 contact the location of the alarm system by telephone for the
3 purpose of verifying whether the alarm signal is false before
4 notifying a municipality or other political subdivision of the
5 receipt of the alarm signal.

6 (c) The requirement under Subsection (b) does not apply to
7 the receipt of an alarm signal from a manually activated device
8 designed to indicate robbery, panic, or duress.

9 SECTION 14. Sections 1702.286 and 1702.288, Occupations
10 Code, as added by this Act, apply only to an alarm system installed
11 or activated on or after January 1, 2006.

12 SECTION 15. This Act takes effect September 1, 2005.