

By: Naishtat

H.B. No. 3203

A BILL TO BE ENTITLED

AN ACT

relating to regulation of certain private security services.

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

SECTION 1. Section 1702.102(a), Occupations Code, is amended to read as follows:

(a) Unless the person holds a license as a security services contractor, a person may not:

(1) act as an alarm systems company, armored car company, courier company, or guard company~~[, or guard dog company]~~;

(2) offer to perform the services of a company in Subdivision (1); or

(3) engage in business activity for which a license is required under this chapter.

SECTION 2. Section 1702.1056, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A locksmith company must register as required under Section 1702.2225, but is not required to obtain a license under this chapter.

SECTION 3. Section 1702.109, Occupations Code, is amended to read as follows:

Sec. 1702.109. GUARD DOG COMPANY. (a) A person acts as a guard dog company for the purposes of this chapter if the person places, rents, sells, or trains a dog used to:

(1) protect an individual or property; or

1 (2) conduct an investigation.

2 (b) A guard dog company must register as required under
3 Section 1702.2223, but is not required to obtain a license under
4 this chapter.

5 SECTION 4. Section 1702.116, Occupations Code, is
6 transferred to Subchapter J, redesignated as Section 1702.2223, and
7 amended to read as follows:

8 Sec. 1702.2223 [~~1702.116~~]. [~~QUALIFICATIONS FOR~~] GUARD DOG
9 COMPANY: REGISTRATION AND QUALIFICATIONS [~~LICENSE~~]; INSPECTIONS.

10 (a) Unless the person is registered as a guard dog company, a
11 person may not:

12 (1) act as a guard dog company;

13 (2) offer to perform the services of a guard dog
14 company; or

15 (3) engage in business activity for which registration
16 is required under this chapter.

17 (b) An applicant for a certificate of registration
18 [~~license~~] to engage in the business of a guard dog company must:

19 (1) meet the requirements under [~~of~~] Sections 1702.113
20 and 1702.115 for a license applicant; and

21 (2) present evidence satisfactory to the commission
22 that the applicant will comply with the rules adopted under this
23 section.

24 (c) [~~(b)~~] After consulting the [~~Texas~~] Department of State
25 Health Services, the commission shall adopt rules to ensure that
26 the areas in which a guard dog company houses, exercises, or trains
27 its animals are securely enclosed by a six-foot chain-link fence or

1 made equally secure.

2 (d) [~~(e)~~] The commission shall conduct regular inspections
3 to ensure compliance with the rules adopted under this section.

4 SECTION 5. Section 1702.3615, Occupations Code, is amended
5 by adding Subsections (a-1) and (b-1) to read as follows:

6 (a-1) The commission may revoke or refuse to grant or renew
7 a registration if the applicant or registrant has been convicted
8 of:

9 (1) a Class A misdemeanor or equivalent offense or a
10 greater offense that directly relates to the duties and
11 responsibilities of the registered occupation; or

12 (2) a Class B misdemeanor or equivalent offense that
13 directly relates to the duties and responsibilities of the
14 registered occupation if the fifth anniversary of the date of the
15 conviction has not occurred.

16 (b-1) Notwithstanding any provision of this chapter, the
17 commission's determination to revoke or refuse to grant or renew a
18 registration, license, or security officer commission on the basis
19 of a criminal conviction must be made in accordance with Chapter 53.

20 SECTION 6. Not later than December 1, 2007, the Texas
21 Commission on Private Security shall adopt the rules necessary to
22 implement the changes in law made by this Act to Chapter 1702,
23 Occupations Code.

24 SECTION 7. (a) The changes in law made by this Act to
25 Chapter 1702, Occupations Code, apply only to an application for
26 issuance of an initial or renewal certificate of registration
27 submitted on or after the effective date of this Act.

1 (b) A person that holds a license as a guard dog company on
2 the effective date of this Act is not required to obtain a
3 certificate of registration as a guard dog company until the
4 person's license expires.

5 SECTION 8. (a) Except as provided by Subsection (b) of this
6 section, this Act takes effect September 1, 2007.

7 (b) Sections 1702.2223 and 1702.3615, Occupations Code, as
8 amended by this Act, take effect January 1, 2008.