

1-1 By: Kolkhorst, Merritt, Driver H.B. No. 2730
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House May 15, 2009;
1-4 May 18, 2009, read first time and referred to Committee on
1-5 Government Organization; May 25, 2009, reported adversely, with
1-6 favorable Committee Substitute by the following vote: Yeas 5,
1-7 Nays 0; May 25, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 2730 By: Hegar

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the continuation and functions of the Department of
1-12 Public Safety of the State of Texas and the Texas Private Security
1-13 Board; providing penalties.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 ARTICLE 1. CHANGES TO VEHICLE INSPECTION PROGRAM

1-16 SECTION 1.01. Subchapter A, Chapter 548, Transportation
1-17 Code, is amended by adding Section 548.008 to read as follows:

1-18 Sec. 548.008. VEHICLE INSPECTION PROGRAM DIRECTOR. (a)

1-19 The vehicle inspection program is managed by a program director.
1-20 The program director may not be a commissioned officer.

1-21 (b) The office of the vehicle inspection program director
1-22 must be located in Austin, Texas.

1-23 (c) The duties of the program director include:

1-24 (1) responsibility for the quality of the vehicle
1-25 inspection program;

1-26 (2) coordination of the regional offices;

1-27 (3) compilation of regional and statewide performance
1-28 data;

1-29 (4) the establishment of best practices and
1-30 distribution of those practices to the regional offices;

1-31 (5) setting goals for the entire program, in
1-32 consultation with the public safety director or the public safety
1-33 director's designee, and setting goals for each regional office in
1-34 consultation with the regional managers;

1-35 (6) monitoring the progress toward the goals set in
1-36 Subdivision (5) and evaluating the program based on that progress;
1-37 and

1-38 (7) coordination with the Texas Highway Patrol to
1-39 enforce provisions related to vehicle inspection.

1-40 (d) The regional offices shall make reports as requested by
1-41 the program director.

1-42 ARTICLE 2. DIVISION OF EMERGENCY MANAGEMENT

1-43 PART A. ORGANIZATION OF DIVISION

1-44 SECTION 2A.01. Section 418.004, Government Code, is amended
1-45 by amending Subdivision (2) and adding Subdivision (9) to read as
1-46 follows:

1-47 (2) "Division" means the Texas Division of Emergency
1-48 Management [division of emergency management in the office of the
1-49 governor].

1-50 (9) "Department" means the Department of Public Safety
1-51 of the State of Texas.

1-52 SECTION 2A.02. Sections 418.041(a), (b), and (c),
1-53 Government Code, are amended to read as follows:

1-54 (a) The Texas Division of Emergency Management [division of
1-55 emergency management] is a division of the department [office of
1-56 the governor].

1-57 (b) The division is managed by a chief [director] appointed
1-58 by the public safety director of the department, with the approval
1-59 of the governor. The chief [director] serves at the pleasure of the
1-60 public safety director [governor].

1-61 (c) At least once every two months, the following shall meet
1-62 to coordinate efforts, prevent overlap of activities, and ensure
1-63 that the state's approach to emergency management and homeland

2-1 security is unified:
 2-2 (1) a representative of the department;
 2-3 (2) a representative of the division;
 2-4 (3) a representative of the governor's office of
 2-5 homeland security;
 2-6 (4) the presiding officer of the Homeland Security
 2-7 Council; and
 2-8 (5) a state agency representative from the emergency
 2-9 management council, selected by the chair of the emergency
 2-10 management council. [The director shall appoint a state
 2-11 coordinator.]

2-12 SECTION 2A.03. Section 418.072, Government Code, is amended
 2-13 to read as follows:

2-14 Sec. 418.072. DISASTER EMERGENCY FUNDING BOARD. The
 2-15 disaster emergency funding board is composed of:

- 2-16 (1) the governor;
- 2-17 (2) the lieutenant governor;
- 2-18 (3) the commissioner of insurance;
- 2-19 (4) the executive commissioner of the Health and
 2-20 [Department of] Human Services Commission; and
- 2-21 (5) the chief [director] of the division.

2-22 SECTION 2A.04. Section 418.074(b), Government Code, is
 2-23 amended to read as follows:

2-24 (b) If a gift, grant, or loan is accepted by the state, the
 2-25 governor, or the emergency management council or chief of the
 2-26 division [state coordinator] if designated by the governor, may
 2-27 dispense the gift, grant, or loan directly to accomplish the
 2-28 purpose for which it was made or may allocate and transfer to a
 2-29 political subdivision services, equipment, supplies, materials, or
 2-30 funds in the amount the governor or the governor's designee may
 2-31 determine.

2-32 PART B. CONFORMING AMENDMENTS REFLECTING DIVISION'S NAME CHANGE

2-33 SECTION 2B.01. Section 12.0012, Agriculture Code, is
 2-34 amended to read as follows:

2-35 Sec. 12.0012. NOTIFICATION. The department shall, upon
 2-36 submission for publication, notify the Texas Division of Emergency
 2-37 Management [division of emergency management in the office of the
 2-38 governor] of each quarantine it adopts. The department shall
 2-39 thereafter cooperate with the Texas Division of Emergency
 2-40 Management [division of emergency management] in implementing any
 2-41 necessary safeguards to protect the state's agricultural resources
 2-42 from potential economic, health, or ecological disaster that may
 2-43 result from the quarantined pest or disease.

2-44 SECTION 2B.02. Sections 88.303(a) and (d), Education Code,
 2-45 are amended to read as follows:

2-46 (a) Notwithstanding any other law, during any period in
 2-47 which Texas Task Force 1 is activated by the Texas Division of
 2-48 Emergency Management [governor's division of emergency
 2-49 management], or during any training session sponsored or sanctioned
 2-50 by Texas Task Force 1, a participating nongovernment member or
 2-51 local government employee member is included in the coverage
 2-52 provided under Chapter 501, Labor Code, in the same manner as an
 2-53 employee, as defined by Section 501.001, Labor Code.

2-54 (d) Notwithstanding Section 412.0123, Labor Code, as added
 2-55 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
 2-56 1997, the Texas Division of Emergency Management [governor's
 2-57 division of emergency management] shall reimburse the State Office
 2-58 of Risk Management for the actual medical and indemnity benefits
 2-59 paid on behalf of a covered member of Texas Task Force 1 at the
 2-60 beginning of the next state fiscal year occurring after the date the
 2-61 benefits are paid.

2-62 SECTION 2B.03. Section 418.014(e), Government Code, is
 2-63 amended to read as follows:

2-64 (e) An executive order or proclamation shall be
 2-65 disseminated promptly by means intended to bring its contents to
 2-66 the attention of the general public. An order or proclamation shall
 2-67 be filed promptly with the division [of emergency management], the
 2-68 secretary of state, and the county clerk or city secretary in each
 2-69 area to which it applies unless the circumstances attendant on the

3-1 disaster prevent or impede the filing.
 3-2 SECTION 2B.04. The heading to Subchapter C, Chapter 418,
 3-3 Government Code, is amended to read as follows:
 3-4 SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT
 3-5 SECTION 2B.05. Section 418.073(d), Government Code, is
 3-6 amended to read as follows:
 3-7 (d) The ~~[governor's]~~ division ~~[of emergency management]~~
 3-8 shall administer the disaster contingency fund and shall develop
 3-9 and implement rules and procedures for providing emergency
 3-10 assistance from the fund. The division shall annually report to the
 3-11 speaker of the house of representatives and the lieutenant governor
 3-12 expenditures from the fund, the overall status of the fund, and any
 3-13 changes to rules and procedures regarding the fund.
 3-14 SECTION 2B.06. Section 421.021(a), Government Code, is
 3-15 amended to read as follows:
 3-16 (a) The Homeland Security Council is composed of the
 3-17 governor or the governor's designee, the speaker of the house of
 3-18 representatives or the speaker's designee, the lieutenant governor
 3-19 or the lieutenant governor's designee, and one representative of
 3-20 each of the following entities, appointed by the single statewide
 3-21 electd or appointed governing officer, administrative head, or
 3-22 chair, as appropriate, of the entity:
 3-23 (1) Department of Agriculture;
 3-24 (2) office of the attorney general;
 3-25 (3) General Land Office;
 3-26 (4) Public Utility Commission of Texas;
 3-27 (5) Department of State Health Services;
 3-28 (6) Department of Information Resources;
 3-29 (7) Department of Public Safety of the State of Texas;
 3-30 (8) Texas Division of Emergency Management ~~[division~~
 3-31 ~~of emergency management of the office of the governor];~~
 3-32 (9) adjutant general's department;
 3-33 (10) Texas Commission on Environmental Quality;
 3-34 (11) Railroad Commission of Texas;
 3-35 (12) Texas Strategic Military Planning Commission;
 3-36 (13) Texas Department of Transportation;
 3-37 (14) Commission on State Emergency Communications;
 3-38 (15) Office of State-Federal Relations;
 3-39 (16) secretary of state;
 3-40 (17) Senate Committee on Transportation and Homeland
 3-41 Security;
 3-42 (18) House Committee on Defense and Veterans' Affairs
 3-43 ~~[and State-Federal Relations];~~
 3-44 (19) Texas Animal Health Commission;
 3-45 (20) Texas Association of Regional Councils;
 3-46 (21) Texas Commission on Law Enforcement Officer
 3-47 Standards and Education;
 3-48 (22) state fire marshal's office;
 3-49 (23) Texas Education Agency;
 3-50 (24) Texas Commission on Fire Protection;
 3-51 (25) Parks and Wildlife Department;
 3-52 (26) Texas Forest Service; and
 3-53 (27) Texas Water Development Board.
 3-54 SECTION 2B.07. Section 661.907(b), Government Code, is
 3-55 amended to read as follows:
 3-56 (b) The number of certified disaster service volunteers who
 3-57 are eligible for leave under this section may not exceed 350 state
 3-58 employees at any one time during a fiscal year. The Texas Division
 3-59 of Emergency Management ~~[division of emergency management in the~~
 3-60 ~~governor's office]~~ shall coordinate the establishment and
 3-61 maintenance of the list of eligible employees.
 3-62 SECTION 2B.08. Section 661.919(b), Government Code, is
 3-63 amended to read as follows:
 3-64 (b) The number of amateur radio operators who are eligible
 3-65 for leave under this section may not exceed 350 state employees at
 3-66 any one time during a state fiscal year. The Texas Division of
 3-67 Emergency Management ~~[division of emergency management in the~~
 3-68 ~~governor's office]~~ shall coordinate the establishment and
 3-69 maintenance of the list of eligible employees.

4-1 SECTION 2B.09. Section 501.001(5), Labor Code, is amended
4-2 to read as follows:

- 4-3 (5) "Employee" means a person who is:
- 4-4 (A) in the service of the state pursuant to an
- 4-5 election, appointment, or express oral or written contract of hire;
- 4-6 (B) paid from state funds but whose duties
- 4-7 require that the person work and frequently receive supervision in
- 4-8 a political subdivision of the state;
- 4-9 (C) a peace officer employed by a political
- 4-10 subdivision, while the peace officer is exercising authority
- 4-11 granted under:
- 4-12 (i) Article 2.12, Code of Criminal
- 4-13 Procedure; or
- 4-14 (ii) Articles 14.03(d) and (g), Code of
- 4-15 Criminal Procedure;
- 4-16 (D) a member of the state military forces, as
- 4-17 defined by Section 431.001, Government Code, who is engaged in
- 4-18 authorized training or duty; or
- 4-19 (E) a Texas Task Force 1 member, as defined by
- 4-20 Section 88.301, Education Code, who is activated by the Texas
- 4-21 Division of Emergency Management [~~governor's division of emergency~~
- 4-22 ~~management~~] or is injured during any training session sponsored or
- 4-23 sanctioned by Texas Task Force 1.

4-24 SECTION 2B.10. Sections 16.055(a) and (b), Water Code, are
4-25 amended to read as follows:

4-26 (a) The chief [~~coordinator~~] of the Texas Division of
4-27 Emergency Management [~~division of emergency management of the~~
4-28 ~~office of the governor~~] is the state drought manager. The state
4-29 drought manager is responsible for managing and coordinating the
4-30 drought response component of the state water plan.

4-31 (b) The drought preparedness council is created and shall
4-32 meet as necessary to carry out the provisions of this section. The
4-33 council is composed of one representative from each of the
4-34 following entities, appointed by the administrative head of that
4-35 entity:

- 4-36 (1) the Texas Division of Emergency Management
- 4-37 [~~division of emergency management of the office of the governor~~];
- 4-38 (2) the board;
- 4-39 (3) the commission;
- 4-40 (4) the Parks and Wildlife Department;
- 4-41 (5) the Department of Agriculture;
- 4-42 (6) the Texas AgriLife [~~Agricultural~~] Extension
- 4-43 Service;
- 4-44 (7) the State Soil and Water Conservation Board;
- 4-45 (8) the Texas Department of Housing and Community
- 4-46 Affairs;
- 4-47 (9) the Texas Forest Service;
- 4-48 (10) the Texas Department of Transportation;
- 4-49 (11) the Texas Department of Economic Development; and
- 4-50 (12) a representative of groundwater management
- 4-51 interests who is appointed by the governor.

4-52 SECTION 2B.11. Section 1(3), Chapter 350 (S.B. 1101), Acts
4-53 of the 71st Legislature, Regular Session, 1989 (Article 6419c,
4-54 Vernon's Texas Civil Statutes), is amended to read as follows:

4-55 (3) "Division of emergency management" means the Texas
4-56 Division of Emergency Management [~~division of emergency management~~
4-57 ~~of the office of the governor~~].

4-58 SECTION 2B.12. A reference in law or a rule to the
4-59 "governor's division of emergency management" or the "division of
4-60 emergency management in the office of the governor" means the Texas
4-61 Division of Emergency Management in the Department of Public Safety
4-62 of the State of Texas.

4-63 ARTICLE 3 [blank]

4-64 ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

4-65 SECTION 4.01. Section 1702.002, Occupations Code, is
4-66 amended by amending Subdivisions (2), (3), (5), (11), (12), (13),
4-67 (17), (19), (20), and (21) and adding Subdivision (6-b) to read as
4-68 follows:

- 4-69 (2) "Branch office" means an office that is:

5-1 (A) identified to the public as a place from
5-2 which business is conducted, solicited, or advertised; and
5-3 (B) at a place other than the principal place of
5-4 business as shown in board [commission] records.
5-5 (3) "Branch office license" means a permit issued by
5-6 the board [commission] that entitles a person to operate at a branch
5-7 office as a security services contractor or investigations company.
5-8 (5) "Commissioned security officer" means a security
5-9 officer to whom a security officer commission has been issued by the
5-10 board [commission].
5-11 (6-b) "Endorsement" means a permit entitling an
5-12 individual holding a registration to perform a service regulated by
5-13 this chapter for an appropriately licensed company.
5-14 (11) "Letter of authority" means a permit issued by
5-15 the board [commission] that entitles the security department of a
5-16 private business or a political subdivision to employ a
5-17 commissioned security officer.
5-18 (12) "License" means a permit issued by the board
5-19 [commission] that entitles a person to operate as a security
5-20 services contractor or investigations company.
5-21 (13) "License holder" means a person to whom the board
5-22 [commission] issues a license.
5-23 (17) "Personal protection officer endorsement
5-24 [authorization]" means a permit issued by the board [commission]
5-25 that entitles an individual to act as a personal protection
5-26 officer.
5-27 (19) "Registrant" means an individual who has
5-28 registered with the board [commission] under Section 1702.221.
5-29 (20) "Registration" means a permit issued by the board
5-30 [commission] to an individual described by Section 1702.221.
5-31 (21) "Security officer commission" means an
5-32 authorization issued by the board [commission] that entitles a
5-33 security officer to carry a firearm.
5-34 SECTION 4.02. Section 1702.004, Occupations Code, is
5-35 amended to read as follows:
5-36 Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The board,
5-37 in addition to performing duties required by other law or
5-38 exercising powers granted by other law:
5-39 (1) licenses investigations companies and security
5-40 services contractors;
5-41 (2) issues commissions to certain security officers;
5-42 (3) issues endorsements [authorizations] to certain
5-43 security officers engaged in the personal protection of
5-44 individuals;
5-45 (4) registers and endorses:
5-46 (A) certain individuals connected with a license
5-47 holder; and
5-48 (B) certain individuals employed in a field
5-49 connected to private investigation or private security; and
5-50 (5) regulates license holders, security officers,
5-51 [and] registrants, and endorsement holders under this chapter.
5-52 (b) The board shall adopt rules necessary to comply with
5-53 Chapter 53 [does not apply to this chapter or to any licensing,
5-54 regulatory, or disciplinary determinations made under this
5-55 chapter]. In its rules under this section, the board shall list the
5-56 specific offenses for each category of regulated persons for which
5-57 a conviction would constitute grounds for the board to take action
5-58 under Section 53.021.
5-59 SECTION 4.03. The heading to Subchapter B, Chapter 1702,
5-60 Occupations Code, is amended to read as follows:
5-61 SUBCHAPTER B. TEXAS [COMMISSION ON] PRIVATE SECURITY BOARD
5-62 SECTION 4.04. Section 1702.021, Occupations Code, is
5-63 amended to read as follows:
5-64 Sec. 1702.021. BOARD [COMMISSION] MEMBERSHIP. (a) The
5-65 Texas Private Security Board consists of seven members appointed by
5-66 the governor with the advice and consent of the senate as follows:
5-67 (1) four public members, each of whom is a citizen of
5-68 the United States;
5-69 (2) one member who is licensed under this chapter as a

6-1 private investigator;

6-2 (3) one member who is licensed under this chapter as an
6-3 alarm systems company; and

6-4 (4) one member who is licensed under this chapter as
6-5 the owner or operator of a guard company.

6-6 (b) Appointments to the board [~~commission~~] shall be made
6-7 without regard to the race, color, disability, sex, religion, age,
6-8 or national origin of the appointee.

6-9 [~~(c) On presentation by a commission member of the
6-10 constitutional oath taken by the member, together with the
6-11 certificate of appointment, the secretary of state shall issue a
6-12 commission to the member as evidence of the member's authority to
6-13 act as a commission member.~~]

6-14 SECTION 4.05. Section 1702.023, Occupations Code, is
6-15 amended to read as follows:

6-16 Sec. 1702.023. ELIGIBILITY OF PUBLIC MEMBERS. The board's
6-17 [~~commission's~~] public members must be representatives of the
6-18 general public. A person may not be a public member of the board
6-19 [~~commission~~] if the person or the person's spouse:

6-20 (1) is registered, commissioned, certified, or
6-21 licensed by a regulatory agency in the field of private
6-22 investigations or private security;

6-23 (2) is employed by or participates in the management
6-24 of a business entity or other organization regulated by or
6-25 receiving money from the board [~~commission~~];

6-26 (3) owns or controls, directly or indirectly, more
6-27 than a 10 percent interest in a business entity or other
6-28 organization regulated by or receiving money from the board
6-29 [~~commission~~]; or

6-30 (4) uses or receives a substantial amount of tangible
6-31 goods, services, or money from the board [~~commission~~] other than
6-32 compensation or reimbursement authorized by law for board
6-33 [~~commission~~] membership, attendance, or expenses.

6-34 SECTION 4.06. Sections 1702.024(b) and (c), Occupations
6-35 Code, are amended to read as follows:

6-36 (b) A person may not be a board [~~commission~~] member, and may
6-37 not be a department [~~commission~~] employee whose primary duties
6-38 include private security regulation and who is employed in a "bona
6-39 fide executive, administrative, or professional capacity," as that
6-40 phrase is used for purposes of establishing an exemption to the
6-41 overtime provisions of the federal Fair Labor Standards Act of 1938
6-42 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

6-43 (1) the person is an officer, employee, or paid
6-44 consultant of a Texas trade association in the field of private
6-45 investigation or private security; or

6-46 (2) the person's spouse is an officer, manager, or paid
6-47 consultant of a Texas trade association in the field of private
6-48 investigation or private security.

6-49 (c) A person may not be a board [~~commission~~] member or act as
6-50 general counsel to the board [~~commission~~] or agency if the person is
6-51 required to register as a lobbyist under Chapter 305, Government
6-52 Code, because of the person's activities for compensation on behalf
6-53 of a profession related to the operation of the agency.

6-54 SECTION 4.07. Section 1702.027, Occupations Code, is
6-55 amended to read as follows:

6-56 Sec. 1702.027. GROUNDS FOR REMOVAL. (a) It is a ground for
6-57 removal from the board [~~commission~~] that a member:

6-58 (1) does not have the qualifications required by
6-59 Section 1702.021 at the time of taking office;

6-60 (2) does not maintain the qualifications required by
6-61 Section 1702.021 during service on the board [~~commission~~];

6-62 (3) is ineligible for membership under Section
6-63 1702.023 or 1702.024;

6-64 (4) cannot, because of illness or disability,
6-65 discharge the member's duties for a substantial part of the member's
6-66 term; or

6-67 (5) is absent from more than half of the regularly
6-68 scheduled board [~~commission~~] meetings that the member is eligible
6-69 to attend during a calendar year without an excuse approved by a

7-1 majority vote of the board [~~commission~~].

7-2 (b) The validity of an action of the board [~~commission~~] is
7-3 not affected by the fact that it is taken when a ground for removal
7-4 of a board [~~commission~~] member exists.

7-5 (c) If the chief administrator [~~director~~] has knowledge
7-6 that a potential ground for removal exists, the chief administrator
7-7 [~~director~~] shall notify the presiding officer of the board
7-8 [~~commission~~] of the potential ground. The presiding officer shall
7-9 then notify the governor and the attorney general that a potential
7-10 ground for removal exists. If the potential ground for removal
7-11 involves the presiding officer, the chief administrator [~~director~~]
7-12 shall notify the next highest ranking officer of the board
7-13 [~~commission~~], who shall then notify the governor and the attorney
7-14 general that a potential ground for removal exists.

7-15 SECTION 4.08. Section 1702.028, Occupations Code, is
7-16 amended to read as follows:

7-17 Sec. 1702.028. PER DIEM; REIMBURSEMENT. (a) A board
7-18 [~~commission~~] member is entitled to a per diem as set by legislative
7-19 appropriation for each day the member engages in the business of the
7-20 board [~~commission~~].

7-21 (b) A member is entitled to reimbursement for travel
7-22 [~~transportation~~] expenses incurred while conducting board
7-23 business, including expenses for transportation, meals, and
7-24 lodging, as prescribed by the General Appropriations Act. [A
7-25 member may not receive compensation for travel expenses, including
7-26 expenses for meals and lodging, other than transportation
7-27 expenses.]

7-28 SECTION 4.09. Section 1702.029, Occupations Code, is
7-29 amended to read as follows:

7-30 Sec. 1702.029. MEETINGS. The board [~~commission~~] shall meet
7-31 at regular intervals to be decided by the board [~~commission~~].

7-32 SECTION 4.10. Section 1702.030, Occupations Code, is
7-33 amended to read as follows:

7-34 Sec. 1702.030. TRAINING. (a) A person who is appointed to
7-35 and qualifies for office as a board [~~commission~~] member may not
7-36 vote, deliberate, or be counted as a member in attendance at a board
7-37 [~~commission~~] meeting until the person completes a training program
7-38 that complies with this section.

7-39 (b) The training program must provide the person with
7-40 information regarding:

- 7-41 (1) this chapter;
- 7-42 (2) the programs operated by the board [~~commission~~];
- 7-43 (3) the role and functions of the board [~~commission~~];
- 7-44 (4) the rules of the board [~~commission~~], with an
7-45 emphasis on the rules that relate to disciplinary and investigatory
7-46 authority;

- 7-47 (5) the current budget for the board [~~commission~~];
- 7-48 (6) the results of the most recent formal audit of the
7-49 board [~~commission~~];

7-50 (7) the requirements of:

- 7-51 (A) the open meetings law, Chapter 551,
7-52 Government Code;
- 7-53 (B) the public information law, Chapter 552,
7-54 Government Code;
- 7-55 (C) the administrative procedure law, Chapter
7-56 2001, Government Code; and
- 7-57 (D) other laws relating to public officials,
7-58 including conflict of interest laws; and

7-59 (8) any applicable ethics policies adopted by the
7-60 board [~~commission~~] or the Texas Ethics Commission.

7-61 (c) A person appointed to the board [~~commission~~] is entitled
7-62 to reimbursement, as provided by the General Appropriations Act,
7-63 for the travel expenses incurred in attending the training program
7-64 regardless of whether the attendance at the program occurs before
7-65 or after the person qualifies for office.

7-66 SECTION 4.11. The heading to Subchapter C, Chapter 1702,
7-67 Occupations Code, is amended to read as follows:

7-68 SUBCHAPTER C. CHIEF ADMINISTRATOR [~~DIRECTOR~~] AND PERSONNEL

7-69 SECTION 4.12. Section 1702.041, Occupations Code, is

8-1 amended to read as follows:

8-2 Sec. 1702.041. CHIEF ADMINISTRATOR [~~DIRECTOR~~]. (a) The
8-3 [~~director is the~~] chief administrator is responsible for the
8-4 administration of this chapter under the direction of the board
8-5 [~~commission~~]. The chief administrator [~~director~~] shall perform
8-6 duties as prescribed by the board and the department [~~commission~~].

8-7 (b) The chief administrator [~~director~~] is a full-time
8-8 employee of the department [~~commission~~]. A board [~~commission~~]
8-9 member may not serve as chief administrator [~~director~~].

8-10 SECTION 4.13. Section 1702.042, Occupations Code, is
8-11 amended to read as follows:

8-12 Sec. 1702.042. PERSONNEL; CONFLICT OF INTEREST. An
8-13 employee of the department whose primary duties include private
8-14 security regulation [~~commission~~] may not:

8-15 (1) have a financial or business interest, contingent
8-16 or otherwise, in a security services contractor or investigations
8-17 company; or

8-18 (2) be licensed under this chapter.

8-19 SECTION 4.14. Section 1702.043, Occupations Code, is
8-20 amended to read as follows:

8-21 Sec. 1702.043. DIVISION OF RESPONSIBILITIES. The board
8-22 [~~commission~~] shall develop and implement policies that clearly
8-23 separate the policy-making responsibilities of the board
8-24 [~~commission~~] and the management responsibilities of the chief
8-25 administrator [~~director~~] and staff of the department [~~commission~~].

8-26 SECTION 4.15. Section 1702.044, Occupations Code, is
8-27 amended to read as follows:

8-28 Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT
8-29 INFORMATION. The chief administrator [~~director~~] or the chief
8-30 administrator's [~~director's~~] designee shall provide to board
8-31 [~~commission~~] members and to agency employees, as often as
8-32 necessary, information regarding the requirements for office or
8-33 employment under this chapter, including information regarding a
8-34 person's responsibilities under applicable laws relating to
8-35 standards of conduct for state officers or employees.

8-36 SECTION 4.16. The heading to Subchapter D, Chapter 1702,
8-37 Occupations Code, is amended to read as follows:

8-38 SUBCHAPTER D. POWERS AND DUTIES OF BOARD [~~COMMISSION~~]

8-39 SECTION 4.17. Section 1702.061, Occupations Code, is
8-40 amended to read as follows:

8-41 Sec. 1702.061. GENERAL POWERS AND DUTIES OF BOARD
8-42 [~~COMMISSION~~]. (a) The board [~~Texas Commission on Private~~
8-43 ~~Security~~] shall perform the functions and duties provided by this
8-44 chapter.

8-45 (b) The board [~~commission~~] shall adopt rules and general
8-46 policies to guide the agency in the administration of this chapter.

8-47 (c) The rules and policies adopted by the board [~~commission~~]
8-48 under Subsection (b) must be consistent with this chapter and other
8-49 board [~~commission~~] rules adopted under this chapter and with any
8-50 other applicable law, state rule, or federal regulation.

8-51 (d) The board [~~commission~~] has the powers and duties to:

8-52 (1) determine the qualifications of license holders,
8-53 registrants, endorsement holders, and commissioned security
8-54 officers;

8-55 (2) investigate alleged violations of this chapter and
8-56 of board [~~commission~~] rules;

8-57 (3) adopt rules necessary to implement this chapter;
8-58 and

8-59 (4) establish and enforce standards governing the
8-60 safety and conduct of each person licensed, registered, or
8-61 commissioned under this chapter.

8-62 (e) The board [~~commission~~] shall have a seal in the form
8-63 prescribed by the board [~~commission~~].

8-64 [~~(f) The commission may commission investigators who are~~
8-65 ~~employed full-time by the commission as peace officers for the~~
8-66 ~~limited purpose of assisting the commission in investigating~~
8-67 ~~alleged violations of this chapter and of commission rules.]~~

8-68 SECTION 4.18. Subchapter D, Chapter 1702, Occupations Code,
8-69 is amended by adding Section 1702.0612 to read as follows:

9-1 Sec. 1702.0612. NEGOTIATED RULEMAKING AND ALTERNATIVE
9-2 DISPUTE RESOLUTION. (a) The board shall develop and implement a
9-3 policy to encourage the use of:

9-4 (1) negotiated rulemaking procedures under Chapter
9-5 2008, Government Code, for the adoption of board rules; and

9-6 (2) appropriate alternative dispute resolution
9-7 procedures under Chapter 2009, Government Code, to assist in the
9-8 resolution of internal and external disputes under the board's
9-9 jurisdiction.

9-10 (b) The board's procedures relating to alternative dispute
9-11 resolution must conform, to the extent possible, to any model
9-12 guidelines issued by the State Office of Administrative Hearings
9-13 for the use of alternative dispute resolution by state agencies.

9-14 (c) The board shall designate a trained person to:

9-15 (1) coordinate the implementation of the policy
9-16 adopted under Subsection (a);

9-17 (2) serve as a resource for any training needed to
9-18 implement the procedures for negotiated rulemaking or alternative
9-19 dispute resolution; and

9-20 (3) collect data concerning the effectiveness of those
9-21 procedures, as implemented by the board.

9-22 SECTION 4.19. Section 1702.062, Occupations Code, is
9-23 amended to read as follows:

9-24 Sec. 1702.062. FEES. (a) The board [commission] by rule
9-25 shall establish reasonable and necessary fees that produce
9-26 sufficient revenue to administer this chapter. The fees may not
9-27 produce unnecessary fund balances. [and may not exceed the
9-28 following amounts:

9-29 [Class A license \$350 (original and renewal)

9-30 [Class B license \$400 (original and renewal)

9-31 [Class C license \$540 (original and renewal)

9-32 [Class D license \$400 (original and renewal)

9-33 [Reinstate suspended license \$150

9-34 [Assignment of license \$150

9-35 [Change name of license \$ 75

9-36 [Delinquency fee _____

9-37 [Branch office certificate and renewal \$300

9-38 [Registration fee for private investigator, manager, branch

9-39 office manager, locksmith, electronic access control device

9-40 installer, and alarm systems installer \$ 30 (original and renewal)

9-41 [Registration fee for noncommissioned security officer \$ 30

9-42 (original and renewal)

9-43 [Registration fee for security salesperson \$ 30

9-44 [Registration fee for alarm systems monitor \$ 30

9-45 [Registration fee for dog trainer \$ 30

9-46 [Registration fee for owner, officer, partner, or

9-47 shareholder of a license holder \$ 50

9-48 [Registration fee for security consultant \$300

9-49 [Registration fee for employee of license holder \$ 30

9-50 [Security officer commission fee \$ 50

9-51 (original and renewal)

9-52 [School instructor fee \$100

9-53 (original and renewal)

9-54 [School approval fee \$350

9-55 (original and renewal)

9-56 [Letter of authority fee for private business and political

9-57 subdivision \$400

9-58 [Letter of authority renewal fee for private business and

9-59 political subdivision \$225

9-60 [Letter of authority fee for commissioned officer,

9-61 noncommissioned officer, or personal protection officer for

9-62 political subdivision \$ 10

9-63 [FBI fingerprint check \$ 25

9-64 [Duplicate pocket card \$ 10

9-65 [Employee information update fee \$ 15

9-66 [Burglar alarm sellers renewal fee \$ 30

9-67 [Personal protection officer authorization \$ 50]

9-68 (b) The board [In addition to other fees established under

9-69 this chapter, the commission] may charge a fee each time the board

10-1 [~~commission~~] requires a person regulated under this chapter to
 10-2 resubmit a set of fingerprints for processing by the board
 10-3 [~~commission~~] during the application process for a license,
 10-4 registration, endorsement, or commission. The board [~~commission~~]
 10-5 shall set the fee in an amount that is reasonable and necessary to
 10-6 cover the [~~commission's~~] administrative expenses related to
 10-7 processing the fingerprints.

10-8 (c) A person whose pocket card has not expired is not
 10-9 eligible to receive from the board [~~commission~~] another pocket card
 10-10 in the same classification in which the pocket card is held.

10-11 SECTION 4.20. The heading to Section 1702.063, Occupations
 10-12 Code, is amended to read as follows:

10-13 Sec. 1702.063. BOARD [~~COMMISSION~~] USE OF FINES.

10-14 SECTION 4.21. Section 1702.0635, Occupations Code, is
 10-15 amended to read as follows:

10-16 Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The board
 10-17 [~~commission~~] may not adopt rules or establish unduly restrictive
 10-18 experience or education requirements that limit a person's ability
 10-19 to be licensed as an electronic access control device company or be
 10-20 registered as an electronic access control device installer.

10-21 SECTION 4.22. Section 1702.064, Occupations Code, is
 10-22 amended to read as follows:

10-23 Sec. 1702.064. RULES RESTRICTING ADVERTISING OR
 10-24 COMPETITIVE BIDDING. (a) The board [~~commission~~] may not adopt
 10-25 rules restricting advertising or competitive bidding by a person
 10-26 regulated by the board [~~commission~~] except to prohibit false,
 10-27 misleading, or deceptive practices by the person.

10-28 (b) The board [~~commission~~] may not include in its rules to
 10-29 prohibit false, misleading, or deceptive practices by a person
 10-30 regulated by the board [~~commission~~] a rule that:

10-31 (1) restricts the person's use of any medium for
 10-32 advertising;

10-33 (2) restricts the person's personal appearance or use
 10-34 of the person's personal voice in an advertisement;

10-35 (3) relates to the size or duration of an
 10-36 advertisement by the person; or

10-37 (4) restricts the person's advertisement under a trade
 10-38 name.

10-39 SECTION 4.23. Section 1702.0645, Occupations Code, is
 10-40 amended to read as follows:

10-41 Sec. 1702.0645. PAYMENT OF FEES AND FINES. (a) The board
 10-42 [~~commission~~] may adopt rules regarding the method of payment of a
 10-43 fee or a fine assessed under this chapter.

10-44 (b) Rules adopted under this section may:

10-45 (1) authorize the use of electronic funds transfer or
 10-46 a valid credit card issued by a financial institution chartered by a
 10-47 state or the federal government or by a nationally recognized
 10-48 credit organization approved by the board [~~commission~~]; and

10-49 (2) require the payment of a discount or a reasonable
 10-50 service charge for a credit card payment in addition to the fee or
 10-51 the fine.

10-52 SECTION 4.24. Section 1702.066, Occupations Code, is
 10-53 amended to read as follows:

10-54 Sec. 1702.066. SERVICE OF PROCESS; SERVICE OF DOCUMENTS ON
 10-55 BOARD [~~COMMISSION~~]. Legal process and documents required by law to
 10-56 be served on or filed with the board [~~commission~~] must be served on
 10-57 or filed with the chief administrator [~~director~~] at the designated
 10-58 office of the board [~~commission~~].

10-59 SECTION 4.25. Section 1702.067, Occupations Code, is
 10-60 amended to read as follows:

10-61 Sec. 1702.067. BOARD [~~COMMISSION~~] RECORDS; EVIDENCE. An
 10-62 official record of the board [~~commission~~] or an affidavit by the
 10-63 chief administrator [~~director~~] as to the content of the record is
 10-64 prima facie evidence of a matter required to be kept by the board
 10-65 [~~commission~~].

10-66 SECTION 4.26. Section 1702.068, Occupations Code, is
 10-67 amended to read as follows:

10-68 Sec. 1702.068. APPEAL BOND NOT REQUIRED. The board
 10-69 [~~commission~~] is not required to give an appeal bond in any cause

11-1 arising under this chapter.

11-2 SECTION 4.27. Section 1702.081, Occupations Code, is
11-3 amended to read as follows:

11-4 Sec. 1702.081. PUBLIC INTEREST INFORMATION. (a) The board
11-5 [~~commission~~] shall prepare information of interest to consumers or
11-6 recipients of services regulated under this chapter describing the
11-7 board's [~~commission's~~] regulatory functions and the procedures by
11-8 which complaints are filed with and resolved by the board
11-9 [~~commission~~].

11-10 (b) The board [~~commission~~] shall make the information
11-11 available to the public and appropriate state agencies.

11-12 SECTION 4.28. Sections 1702.082(a), (b), (c), and (d),
11-13 Occupations Code, are amended to read as follows:

11-14 (a) The board [~~commission by rule shall establish methods by~~
11-15 ~~which consumers and service recipients are notified of the name,~~
11-16 ~~mailing address, and telephone number of the commission for the~~
11-17 ~~purpose of directing complaints to the commission. The commission~~
11-18 ~~may provide for that notice.~~

11-19 [~~(1) on each registration form, application, or~~
11-20 ~~written contract for services of a person regulated under this~~
11-21 ~~chapter,~~

11-22 [~~(2) on a sign prominently displayed in the place of~~
11-23 ~~business of each person regulated under this chapter, or~~

11-24 [~~(3) in a bill for services provided by a person~~
11-25 ~~regulated under this chapter.~~

11-26 [~~(b) The commission~~] shall maintain a system to promptly and
11-27 efficiently act on complaints [~~file on each written complaint~~]
11-28 filed with the board [~~commission~~]. The board shall maintain
11-29 information about parties to the complaint, [~~file must include:~~

11-30 [~~(1) the name of the person who filed the complaint,~~

11-31 [~~(2) the date the complaint is received by the~~
11-32 ~~commission,~~

11-33 [~~(3) the subject matter of the complaint,~~ [+]

11-34 [~~(4) the name of each person contacted in relation to~~
11-35 ~~the complaint,~~

11-36 [~~(5) a summary of the results of the review or~~
11-37 ~~investigation of the complaint,~~ [+] and its disposition

11-38 [~~(6) an explanation of the reason the file was closed,~~
11-39 ~~if the agency closed the file without taking action other than to~~
11-40 ~~investigate the complaint].~~

11-41 (b) [~~(c)~~] The board [~~commission~~] shall make information
11-42 available describing its [~~provide to the person filing the~~
11-43 ~~complaint a copy of the commission's policies and] procedures for
11-44 [~~relating to~~] complaint investigation and resolution.~~

11-45 (c) The board shall periodically notify the complaint
11-46 parties of the status of the complaint until final disposition.

11-47 [~~(d) Unless it would jeopardize an undercover investigation, the~~
11-48 ~~commission shall provide to each person who is a subject of the~~
11-49 ~~complaint a copy of the commission's policies and procedures~~
11-50 ~~relating to complaint investigation and resolution.]~~

11-51 SECTION 4.29. Section 1702.083, Occupations Code, is
11-52 amended to read as follows:

11-53 Sec. 1702.083. PUBLIC PARTICIPATION. The board
11-54 [~~commission~~] shall develop and implement policies that provide the
11-55 public with a reasonable opportunity to appear before the board
11-56 [~~commission~~] and to speak on any issue under the board's
11-57 [~~commission's~~] jurisdiction.

11-58 SECTION 4.30. Section 1702.084, Occupations Code, is
11-59 amended to read as follows:

11-60 Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF
11-61 DISCIPLINARY ACTIONS. (a) The board [~~commission~~] shall make
11-62 available to the public through a toll-free telephone number,
11-63 Internet website, or other easily accessible medium determined by
11-64 the board [~~commission~~] the following information relating to a
11-65 disciplinary action taken during the preceding three years
11-66 regarding a person regulated by the board [~~commission~~]:

11-67 (1) the identity of the person;

11-68 (2) the nature of the complaint that was the basis of
11-69 the disciplinary action taken against the person; and

12-1 (3) the disciplinary action taken by the board
 12-2 [~~commission~~].

12-3 (b) In providing the information, the board [~~commission~~]
 12-4 shall present the information in an impartial manner, use language
 12-5 that is commonly understood, and, if possible, avoid jargon
 12-6 specific to the security industry.

12-7 (c) The board [~~commission~~] shall update the information on a
 12-8 monthly basis.

12-9 (d) The board [~~commission~~] shall maintain the
 12-10 confidentiality of information regarding the identification of a
 12-11 complainant.

12-12 SECTION 4.31. Section 1702.103, Occupations Code, is
 12-13 amended to read as follows:

12-14 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES.

12-15 (a) The license classifications are:

12-16 (1) Class A: investigations company license, covering
 12-17 operations of an investigations company;

12-18 (2) Class B: security services contractor license,
 12-19 covering operations of a security services contractor;

12-20 (3) Class C: covering the operations included within
 12-21 Class A and Class B; [~~and~~]

12-22 (4) Class F: level III training school license;

12-23 (5) Class O: alarm level I training school license;

12-24 (6) Class P: private business letter of authority
 12-25 license;

12-26 (7) Class X: government letter of authority license;
 12-27 and

12-28 (8) Class T: telematics license [~~Class D: electronic~~
 12-29 ~~access control device license, covering operations of an electronic~~
 12-30 ~~access control device company].~~

12-31 (b) A [~~Class A, B, C, or D~~] license described by this chapter
 12-32 does not authorize the license holder to perform a service for which
 12-33 the license holder has not qualified. A person may not engage in an
 12-34 operation outside the scope of that person's license. The board
 12-35 [~~commission~~] shall indicate on the license the services the license
 12-36 holder is authorized to perform. The license holder may not perform
 12-37 a service unless it is indicated on the license.

12-38 (c) A license is not assignable unless the assignment is
 12-39 approved in advance by the board [~~commission~~].

12-40 (d) The board [~~commission~~] shall prescribe by rule the
 12-41 procedure under which a license may be terminated.

12-42 (e) The board by rule may establish other license
 12-43 classifications for activities expressly regulated by this chapter
 12-44 and may establish qualifications and practice requirements
 12-45 consistent with this chapter for those license classifications.

12-46 SECTION 4.32. Section 1702.111, Occupations Code, is
 12-47 amended to read as follows:

12-48 Sec. 1702.111. ISSUANCE OF BRANCH OFFICE LICENSE. (a) A
 12-49 license holder, in accordance with Section 1702.129, shall notify
 12-50 the board [~~commission~~] in writing of the establishment of a branch
 12-51 office and file in writing with the board [~~commission~~] the address
 12-52 of the branch office.

12-53 (b) On application by a license holder, the board
 12-54 [~~commission~~] shall issue a branch office license.

12-55 SECTION 4.33. Sections 1702.113(a) and (c), Occupations
 12-56 Code, are amended to read as follows:

12-57 (a) An applicant for a license, certificate of
 12-58 registration, endorsement, or security officer commission or the
 12-59 applicant's manager must be at least 18 years of age and must not:

12-60 (1) [~~have been convicted in any jurisdiction of two or~~
 12-61 ~~more felony offenses, unless full pardons have been granted for all~~
 12-62 ~~convictions for reasons relating to wrongful convictions;~~

12-63 [(2) ~~have been convicted in any jurisdiction of any of~~
 12-64 ~~the following:~~

12-65 [(A) ~~a single felony or equivalent offense for~~
 12-66 ~~which the 20th anniversary of the date of conviction has not~~
 12-67 ~~occurred before the date of application, unless a full pardon has~~
 12-68 ~~been granted for reasons relating to a wrongful conviction; or~~

12-69 [(B) ~~a Class A misdemeanor or equivalent offense~~

13-1 ~~for which the 10th anniversary of the date of conviction has not~~
13-2 ~~occurred before the date of application, unless a full pardon has~~
13-3 ~~been granted for reasons relating to a wrongful conviction;~~

13-4 ~~[(3)] at the time of application be charged with the~~
13-5 ~~commission of a Class A misdemeanor or felony offense, under an~~
13-6 ~~information or indictment;~~

13-7 ~~[(4) in the 10 years preceding the date of~~
13-8 ~~application, have been adjudicated as having engaged in delinquent~~
13-9 ~~conduct violating a penal law of the grade of felony;]~~

13-10 (2) ~~[(5)]~~ have been found by a court to be incompetent
13-11 by reason of a mental defect or disease and not have been restored
13-12 to competency;

13-13 (3) ~~[(6)]~~ have been dishonorably discharged from the
13-14 United States armed services, discharged from the United States
13-15 armed services under other conditions determined by the board to be
13-16 prohibitive, or dismissed from the United States armed services if
13-17 a commissioned officer in the United States armed services; or

13-18 (4) ~~[(7)]~~ be required to register in this or any other
13-19 state as a sex offender, unless the applicant is approved by the
13-20 board under Section 1702.3615.

13-21 (c) For purposes of this section, an offense under the laws
13-22 of this state, another state, or the United States is considered [+
13-23

13-24 ~~[(1) a felony if the offense:~~
13-25 ~~[(A) at the time of conviction was designated by~~
13-26 ~~a law of this state as a felony, including a state jail felony;~~

13-27 ~~[(B) contains all the elements of an offense~~
13-28 ~~designated by a law of this state as a felony, including a state~~
13-29 ~~jail felony; or~~

13-30 ~~[(C) is punishable by confinement for one year or~~
13-31 ~~more in a penitentiary;~~

13-32 ~~[(2) a Class A misdemeanor if the offense is not a~~
13-33 ~~felony and the offense:~~

13-34 ~~[(A) at the time of conviction was designated by~~
13-35 ~~a law of this state as a Class A misdemeanor;~~

13-36 ~~[(B) contains all the elements of an offense~~
13-37 ~~designated by a law of this state as a Class A misdemeanor; or~~

13-38 ~~[(C) provides as a possible punishment~~
13-39 ~~confinement in a jail other than a state jail felony facility; or~~

13-40 ~~[(3)] a Class B misdemeanor if the offense is not a~~
13-41 ~~felony or Class A misdemeanor and the offense:~~

13-42 (1) ~~[(A)]~~ at the time of conviction was designated by
13-43 a law of this state as a Class B misdemeanor;

13-44 (2) ~~[(B)]~~ contains all the elements of an offense
13-45 designated by a law of this state as a Class B misdemeanor; or

13-46 (3) ~~[(C)]~~ provides as a possible punishment
13-47 confinement in a jail other than a state jail felony facility.

13-48 SECTION 4.34. Section 1702.114, Occupations Code, is
13-49 amended to read as follows:

13-50 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR
13-51 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a license to
13-52 engage in the business of an investigations company or the
13-53 applicant's manager must have, before the date of the application,
13-54 three consecutive years' experience in the investigative field as
13-55 an employee, manager, or owner of an investigations company or
13-56 satisfy other requirements set by the board [~~commission~~].

13-57 (b) The applicant's experience must be:
13-58 (1) reviewed by the board [~~commission~~] or the chief
13-59 administrator [~~director~~]; and

13-60 (2) determined to be adequate to qualify the applicant
13-61 to engage in the business of an investigations company.

13-62 SECTION 4.35. Section 1702.115, Occupations Code, is
13-63 amended to read as follows:

13-64 Sec. 1702.115. ADDITIONAL QUALIFICATIONS FOR SECURITY
13-65 SERVICES CONTRACTOR LICENSE. (a) An applicant for a license to
13-66 engage in the business of a security services contractor or the
13-67 applicant's manager must have, before the date of the application,
13-68 two consecutive years' experience in each security services field
13-69 for which the person applies as an employee, manager, or owner of a
security services contractor or satisfy other requirements set by

14-1 the board [~~commission~~].

14-2 (b) The applicant's experience must have been obtained
14-3 legally and must be:

14-4 (1) reviewed by the board [~~commission~~] or the chief
14-5 administrator [~~director~~]; and

14-6 (2) determined to be adequate to qualify the applicant
14-7 to engage in the business of a security services contractor.

14-8 SECTION 4.36. Section 1702.116, Occupations Code, is
14-9 amended to read as follows:

14-10 Sec. 1702.116. QUALIFICATIONS FOR GUARD DOG COMPANY
14-11 LICENSE; INSPECTIONS. (a) An applicant for a license to engage in
14-12 the business of a guard dog company must:

14-13 (1) meet the requirements of Sections 1702.113 and
14-14 1702.115; and

14-15 (2) present evidence satisfactory to the board
14-16 [~~commission~~] that the applicant will comply with the rules adopted
14-17 under this section.

14-18 (b) After consulting the [~~Texas~~] Department of State Health
14-19 Services, the board [~~commission~~] shall adopt rules to ensure that
14-20 the areas in which a guard dog company houses, exercises, or trains
14-21 its animals are securely enclosed by a six-foot chain-link fence or
14-22 made equally secure.

14-23 (c) The board [~~commission~~] shall conduct regular
14-24 inspections to ensure compliance with the rules adopted under this
14-25 section.

14-26 SECTION 4.37. Sections 1702.117(a), (c), and (d),
14-27 Occupations Code, are amended to read as follows:

14-28 (a) The board [~~commission~~] shall require an applicant for a
14-29 commission, license, registration, or endorsement under this
14-30 chapter or the applicant's manager to demonstrate qualifications in
14-31 the person's license classification, including knowledge of
14-32 applicable state laws and board [~~commission~~] rules, by taking an
14-33 examination to be determined by the board [~~commission~~].

14-34 (c) The board [~~commission~~] shall set the reexamination fee
14-35 in an amount not to exceed the amount of the renewal fee for the
14-36 license classification for which application was made.

14-37 (d) The board [~~commission~~] shall develop and provide to a
14-38 person who applies to take the examination under Subsection (a)
14-39 material containing all applicable state laws and board
14-40 [~~commission~~] rules.

14-41 SECTION 4.38. Section 1702.118, Occupations Code, is
14-42 amended to read as follows:

14-43 Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than the
14-44 30th day after the date a person takes a licensing examination under
14-45 this chapter, the board [~~commission~~] shall notify the person of the
14-46 examination results.

14-47 (b) If an examination is graded or reviewed by a testing
14-48 service:

14-49 (1) the board [~~commission~~] shall notify the person of
14-50 the examination results not later than the 14th day after the date
14-51 the board [~~commission~~] receives the results from the testing
14-52 service; and

14-53 (2) if notice of the examination results will be
14-54 delayed for longer than 90 days after the examination date, the
14-55 board [~~commission~~] shall notify the person of the reason for the
14-56 delay before the 90th day.

14-57 (c) The board [~~commission~~] may require a testing service to
14-58 notify a person of the results of the person's examination.

14-59 (d) If requested in writing by a person who fails a
14-60 licensing examination administered under this chapter, the board
14-61 [~~commission~~] shall furnish the person with an analysis of the
14-62 person's performance on the examination.

14-63 SECTION 4.39. Section 1702.1183, Occupations Code, is
14-64 amended to read as follows:

14-65 Sec. 1702.1183. RECIPROCAL LICENSE FOR CERTAIN FOREIGN
14-66 APPLICANTS. (a) The board [~~commission~~] may waive any prerequisite
14-67 to obtaining a license for an applicant who holds a license issued
14-68 by another jurisdiction with which this state has a reciprocity
14-69 agreement.

15-1 (b) The board [~~commission~~] may make an agreement, subject to
15-2 the approval of the governor, with another state to allow for
15-3 licensing by reciprocity.

15-4 SECTION 4.40. Section 1702.1186, Occupations Code, is
15-5 amended to read as follows:

15-6 Sec. 1702.1186. PROVISIONAL LICENSE. (a) The board
15-7 [~~commission~~] may issue a provisional license to an applicant
15-8 currently licensed in another jurisdiction who seeks an equivalent
15-9 license in this state and who:

15-10 (1) has been licensed in good standing as an
15-11 investigations company or security services contractor for at least
15-12 two years in another jurisdiction, including a foreign country,
15-13 that has licensing requirements substantially equivalent to the
15-14 requirements of this chapter;

15-15 (2) has passed a national or other examination
15-16 recognized by the board [~~commission~~] relating to the practice of
15-17 private investigations or security services contracting; and

15-18 (3) is sponsored by a person licensed by the board
15-19 [~~commission~~] under this chapter with whom the provisional license
15-20 holder will practice during the time the person holds a provisional
15-21 license.

15-22 (b) A provisional license is valid until the date the board
15-23 [~~commission~~] approves or denies the provisional license holder's
15-24 application for a license. The board [~~commission~~] shall issue a
15-25 license under this chapter to the provisional license holder if:

15-26 (1) the provisional license holder is eligible to be
15-27 licensed under Section 1702.1183; or

15-28 (2) the provisional license holder:

15-29 (A) passes the part of the examination under
15-30 Section 1702.117(a) that relates to the applicant's knowledge and
15-31 understanding of the laws and rules relating to the practice of an
15-32 investigations company or security services contractor in this
15-33 state;

15-34 (B) is verified by the board [~~commission~~] as
15-35 meeting the academic and experience requirements for a license
15-36 under this chapter; and

15-37 (C) satisfies any other licensing requirements
15-38 under this chapter.

15-39 (c) The board [~~commission~~] must approve or deny a
15-40 provisional license holder's application for a license not later
15-41 than the 180th day after the date the provisional license is issued.
15-42 The board [~~commission~~] may extend the 180-day period if the results
15-43 of an examination have not been received by the board [~~commission~~]
15-44 before the end of that period.

15-45 (d) The board [~~commission~~] may establish a fee for
15-46 provisional licenses in an amount reasonable and necessary to cover
15-47 the cost of issuing the license.

15-48 SECTION 4.41. Section 1702.120(b), Occupations Code, is
15-49 amended to read as follows:

15-50 (b) An individual may not apply to the board [~~commission~~] to
15-51 serve as manager of an investigations company, guard company, alarm
15-52 systems company, armored car company, courier company, or guard dog
15-53 company without the intent to maintain that supervisory position on
15-54 a daily basis for that company.

15-55 SECTION 4.42. Section 1702.122, Occupations Code, is
15-56 amended to read as follows:

15-57 Sec. 1702.122. TEMPORARY CONTINUATION OF LICENSE HOLDER'S
15-58 BUSINESS. Under the terms provided by board [~~commission~~] rule, a
15-59 license holder's business may continue for a temporary period if
15-60 the individual on the basis of whose qualifications a license under
15-61 this chapter has been obtained ceases to be connected with the
15-62 license holder.

15-63 SECTION 4.43. Section 1702.123, Occupations Code, is
15-64 amended to read as follows:

15-65 Sec. 1702.123. INSURANCE; BOND. (a) A license holder shall
15-66 maintain on file with the board [~~commission~~] at all times the surety
15-67 bond and certificate of insurance required by this chapter.

15-68 (b) The board [~~commission~~] shall immediately suspend the
15-69 license of a license holder who violates Subsection (a).

16-1 (c) The board [~~commission~~] may rescind the license
 16-2 suspension if the license holder provides proof to the board
 16-3 [~~commission~~] that the bond or the insurance coverage is still in
 16-4 effect. The license holder must provide the proof in a form
 16-5 satisfactory to the board [~~commission~~] not later than the 10th day
 16-6 after the date the license is suspended.

16-7 (d) After suspension of the license, the board [~~commission~~]
 16-8 may not reinstate the license until an application, in the form
 16-9 prescribed by the board [~~commission~~], is filed accompanied by a
 16-10 proper bond, insurance certificate, or both. The board
 16-11 [~~commission~~] may deny the application notwithstanding the
 16-12 applicant's compliance with this section:

16-13 (1) for a reason that would justify suspending,
 16-14 revoking, or denying a license; or

16-15 (2) if, during the suspension, the applicant performs
 16-16 a practice for which a license is required.

16-17 SECTION 4.44. Section 1702.125, Occupations Code, is
 16-18 amended to read as follows:

16-19 Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed
 16-20 with the board [~~commission~~] under this chapter remains in effect
 16-21 until the surety terminates future liability by providing to the
 16-22 board [~~commission~~] at least 30 days' notice of the intent to
 16-23 terminate liability.

16-24 SECTION 4.45. Section 1702.129, Occupations Code, is
 16-25 amended to read as follows:

16-26 Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES.

16-27 (a) A license holder shall notify the board [~~commission~~] not later
 16-28 than the 14th day after the date of:

16-29 (1) a change of address for the license holder's
 16-30 principal place of business;

16-31 (2) a change of a name under which the license holder
 16-32 does business; or

16-33 (3) a change in the license holder's officers or
 16-34 partners.

16-35 (b) A license holder shall notify the board [~~commission~~] in
 16-36 writing not later than the 14th day after the date a branch office:

16-37 (1) is established;

16-38 (2) is closed; or

16-39 (3) changes address or location.

16-40 SECTION 4.46. Section 1702.131, Occupations Code, is
 16-41 amended to read as follows:

16-42 Sec. 1702.131. ADVERTISING. An advertisement by a license
 16-43 holder soliciting or advertising business must contain the license
 16-44 holder's company name and address as stated in board [~~commission~~]
 16-45 records.

16-46 SECTION 4.47. Section 1702.161(b), Occupations Code, is
 16-47 amended to read as follows:

16-48 (b) An individual employed as a security officer may not
 16-49 knowingly carry a firearm during the course of performing duties as
 16-50 a security officer unless the board [~~commission~~] has issued a
 16-51 security officer commission to the individual.

16-52 SECTION 4.48. Section 1702.162, Occupations Code, is
 16-53 amended to read as follows:

16-54 Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER
 16-55 COMMISSION. The employer of a security officer who applies for a
 16-56 security officer commission for the officer must submit an
 16-57 application to the board [~~commission~~] on a form provided by the
 16-58 board [~~commission~~].

16-59 SECTION 4.49. Section 1702.165, Occupations Code, is
 16-60 amended to read as follows:

16-61 Sec. 1702.165. ISSUANCE OF SECURITY OFFICER COMMISSION;
 16-62 POCKET CARD. (a) The board [~~commission~~], with the concurrence of
 16-63 the department [~~Texas Department of Public Safety~~]:

16-64 (1) may issue a security officer commission to an
 16-65 individual employed as a uniformed security officer; and

16-66 (2) shall issue a security officer commission to a
 16-67 qualified employee of an armored car company that is a carrier
 16-68 conducting the armored car business under a federal or state permit
 16-69 or certificate.

17-1 (b) A security officer commission issued under this section
17-2 must be in the form of a pocket card designed by the board
17-3 [~~commission~~] that identifies the security officer.

17-4 SECTION 4.50. Section 1702.167, Occupations Code, is
17-5 amended to read as follows:

17-6 Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED
17-7 SECURITY OFFICER; TRANSFER OF COMMISSION. The holder of a security
17-8 officer commission who terminates employment with one employer may
17-9 transfer the individual's commission to a new employer if, not
17-10 later than the 14th day after the date the individual begins the new
17-11 employment, the new employer notifies the board [~~commission~~] of the
17-12 transfer of employment on a form prescribed by the board
17-13 [~~commission~~], accompanied by payment of the employee information
17-14 update fee.

17-15 SECTION 4.51. Sections 1702.1675(a), (b), (c), (d), (e),
17-16 (f), and (i), Occupations Code, are amended to read as follows:

17-17 (a) The board [~~commission~~] shall establish a basic training
17-18 course for commissioned security officers. The course must
17-19 include, at a minimum:

- 17-20 (1) general security officer training issues;
- 17-21 (2) classroom instruction on handgun proficiency; and
- 17-22 (3) range instruction on handgun proficiency.

17-23 (b) The course must be offered and taught by schools and
17-24 instructors approved by the board [~~commission~~]. To receive board
17-25 [~~commission~~] approval, a school or an instructor must submit an
17-26 application to the board [~~commission~~] on a form provided by the
17-27 board [~~commission~~].

17-28 (c) The basic training course approved by the board
17-29 [~~commission~~] must consist of a minimum of 30 hours.

17-30 (d) The general security officer training portion of the
17-31 course must include instruction on:

- 17-32 (1) board [~~commission~~] rules and applicable state
17-33 laws;
- 17-34 (2) field note taking and report writing; and
- 17-35 (3) any other topics of security officer training
17-36 curriculum the board [~~commission~~] considers necessary.

17-37 (e) The board [~~commission~~] shall develop a commissioned
17-38 security officer training manual that contains applicable state
17-39 laws and board [~~commission~~] rules to be used in the instruction and
17-40 training of commissioned security officers.

17-41 (f) The board [~~commission~~] shall adopt rules necessary to
17-42 administer the provisions of this section concerning the training
17-43 requirements of this chapter.

17-44 (i) The board [~~commission~~] by rule shall establish minimum
17-45 standards for handgun proficiency that are at least as stringent as
17-46 the standards for handgun proficiency developed by the public
17-47 safety director under Section 411.188, Government Code.

17-48 SECTION 4.52. Section 1702.168, Occupations Code, is
17-49 amended to read as follows:

17-50 Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to
17-51 the requirements of Section 1702.163(a), the board [~~commission~~] by
17-52 rule shall establish other qualifications for individuals who are
17-53 employed in positions requiring the carrying of firearms. The
17-54 qualifications may include:

- 17-55 (1) physical and mental standards;
- 17-56 (2) standards of good moral character; and
- 17-57 (3) other requirements that relate to the competency
17-58 and reliability of individuals to carry firearms.

17-59 (b) The board [~~commission~~] shall prescribe appropriate
17-60 forms and adopt rules by which evidence is presented that the
17-61 requirements are fulfilled.

17-62 SECTION 4.53. Sections 1702.1685(b) and (d), Occupations
17-63 Code, are amended to read as follows:

17-64 (b) Only a board-approved [~~commission-approved~~] instructor
17-65 may administer the handgun proficiency examination.

17-66 (d) The school shall maintain the records of the required
17-67 proficiency and make the records available for inspection by the
17-68 board [~~commission~~].

17-69 SECTION 4.54. Section 1702.171, Occupations Code, is

18-1 amended to read as follows:

18-2 Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The
 18-3 board [~~commission~~] shall adopt rules for the maintenance of records
 18-4 relating to an individual to whom the board [~~commission~~] has issued
 18-5 a security officer commission.

18-6 SECTION 4.55. Section 1702.183, Occupations Code, is
 18-7 amended to read as follows:

18-8 Sec. 1702.183. APPLICATION FOR LETTER OF AUTHORITY. A
 18-9 security department of a private business or of a political
 18-10 subdivision that applies for a security officer commission for an
 18-11 individual employed by the security department must submit an
 18-12 application to the board [~~commission~~] for a letter of authority on a
 18-13 form provided by the board [~~commission~~].

18-14 SECTION 4.56. The heading to Subchapter I, Chapter 1702,
 18-15 Occupations Code, is amended to read as follows:

18-16 SUBCHAPTER I. PERSONAL PROTECTION OFFICER ENDORSEMENT
 18-17 [~~AUTHORIZATION~~] REQUIREMENTS

18-18 SECTION 4.57. Section 1702.203, Occupations Code, is
 18-19 amended to read as follows:

18-20 Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER
 18-21 ENDORSEMENT [~~AUTHORIZATION~~]. An applicant for a personal
 18-22 protection officer endorsement [~~authorization~~] must submit a
 18-23 written application on a form prescribed by the board [~~commission~~].

18-24 SECTION 4.58. Section 1702.204, Occupations Code, is
 18-25 amended to read as follows:

18-26 Sec. 1702.204. PERSONAL PROTECTION OFFICER ENDORSEMENT
 18-27 [~~AUTHORIZATION~~]; QUALIFICATIONS. (a) An applicant for a personal
 18-28 protection officer endorsement [~~authorization~~] must be at least 21
 18-29 years of age and must provide:

18-30 (1) a certificate of completion of the basic security
 18-31 officer training course;

18-32 (2) proof that the applicant:
 18-33 (A) has been issued a security officer
 18-34 commission;

18-35 (B) is employed at the time of application by an
 18-36 investigations company or guard company licensed by the board
 18-37 [~~commission~~]; and

18-38 (C) has completed the required training in
 18-39 nonlethal self-defense or defense of a third person; and

18-40 (3) proof of completion and the results of the
 18-41 Minnesota Multiphasic Personality Inventory psychological testing.

18-42 (b) The board [~~commission~~] by rule shall require an
 18-43 applicant for a personal protection officer endorsement
 18-44 [~~authorization~~] to complete the Minnesota Multiphasic Personality
 18-45 Inventory test. The board [~~commission~~] may use the results of the
 18-46 test to evaluate the applicant's psychological fitness.

18-47 SECTION 4.59. Section 1702.205(a), Occupations Code, is
 18-48 amended to read as follows:

18-49 (a) The board [~~commission~~] shall establish a 15-hour course
 18-50 for a personal protection officer consisting of training in
 18-51 nonlethal self-defense or defense of a third person.

18-52 SECTION 4.60. Section 1702.221, Occupations Code, is
 18-53 amended to read as follows:

18-54 Sec. 1702.221. REGISTRATION AND ENDORSEMENT REQUIRED. (a)
 18-55 To perform any activity regulated by this chapter, the individual
 18-56 must:

18-57 (1) register in accordance with the requirements of
 18-58 this chapter and related administrative rules;

18-59 (2) obtain the proper endorsement under Subsection
 18-60 (b); and

18-61 (3) be employed by a company licensed under this
 18-62 chapter.

18-63 (b) An individual must obtain the appropriate endorsement
 18-64 [register] in accordance with the requirements of this chapter and
 18-65 related administrative rules if the individual:

18-66 (1) is employed as:

18-67 (A) an alarm instructor;
 18-68 (B) an alarm systems installer;
 18-69 (C) an [7] alarm systems monitor;

19-1 (D) an [] electronic access control device
 19-2 installer;
 19-3 (E) a level 3 classroom or firearm instructor;
 19-4 (F) a [] locksmith;
 19-5 (G) a [] dog trainer;
 19-6 (H) a [] manager or branch office manager;
 19-7 (I) a [] noncommissioned security officer;
 19-8 (J) a level 4 personal protection instructor;
 19-9 (K) a [] private investigator;
 19-10 (L) a [] private security consultant;
 19-11 (M) a [~~]~~ security salesperson; or
 19-12 (N) an individual whose duties include
 19-13 performing another activity for which an endorsement is required
 19-14 under Subsection (e); or
 19-15 (2) is an owner who oversees the security-related
 19-16 aspects of the business, officer, partner, or shareholder of a
 19-17 license holder.
 19-18 (c) [~~(b)~~] Registration and endorsement under this chapter
 19-19 does not preclude an individual from performing additional duties
 19-20 or services authorized by the individual's employer that are not
 19-21 regulated by this chapter. An individual who performs more than one
 19-22 of the services that require an endorsement under this section must
 19-23 obtain an endorsement for each service.
 19-24 (d) In addition to the services listed in Subsection (a), a
 19-25 person holding a security officer commission must also obtain an
 19-26 endorsement for personal protection if the individual performs the
 19-27 services described by Section 1702.202.
 19-28 (e) The board by rule may require a person to hold an
 19-29 endorsement for performing other activity expressly regulated by
 19-30 this chapter.
 19-31 SECTION 4.61. Section 1702.2226(b), Occupations Code, is
 19-32 amended to read as follows:
 19-33 (b) A person registered as an electronic access control
 19-34 device installer may not install alarm systems unless the person
 19-35 holds an endorsement [~~is registered~~] under this chapter as an alarm
 19-36 systems installer.
 19-37 SECTION 4.62. The heading to Subchapter J, Chapter 1702,
 19-38 Occupations Code, is amended to read as follows:
 19-39 SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS;
 19-40 [~~REGISTRANT~~] DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER
 19-41 SECTION 4.63. Section 1702.228, Occupations Code, is
 19-42 amended to read as follows:
 19-43 Sec. 1702.228. EMPLOYEE OF LICENSE HOLDER; REGISTRATION
 19-44 PERMITTED. An employee of a license holder who is employed in a
 19-45 capacity that is not subject to mandatory registration under this
 19-46 subchapter may register with the board [~~commission~~].
 19-47 SECTION 4.64. The heading to Section 1702.230, Occupations
 19-48 Code, is amended to read as follows:
 19-49 Sec. 1702.230. APPLICATION FOR REGISTRATION OR
 19-50 ENDORSEMENT.
 19-51 SECTION 4.65. Section 1702.230(a), Occupations Code, is
 19-52 amended to read as follows:
 19-53 (a) An application for registration or endorsement must be
 19-54 verified and include:
 19-55 (1) the applicant's full name, residence address,
 19-56 residence telephone number, date and place of birth, and social
 19-57 security number;
 19-58 (2) a statement that:
 19-59 (A) lists each name used by the applicant, other
 19-60 than the name by which the applicant is known at the time of
 19-61 application, and an explanation stating each place where each name
 19-62 was used, the date of each use, and a full explanation of the
 19-63 reasons the name was used; or
 19-64 (B) states that the applicant has never used a
 19-65 name other than the name by which the applicant is known at the time
 19-66 of application;
 19-67 (3) the name and address of the applicant's employer
 19-68 and, if applicable, the applicant's consulting firm;
 19-69 (4) the date the employment commenced;

20-1 (5) a letter from the license holder requesting that
20-2 the applicant be registered or endorsed;

20-3 (6) the title of the position occupied by the
20-4 applicant and a description of the applicant's duties; and

20-5 (7) any other information, evidence, statement, or
20-6 document required by the board [~~commission~~].

20-7 SECTION 4.66. Section 1702.2305, Occupations Code, is
20-8 amended to read as follows:

20-9 Sec. 1702.2305. PROVISIONAL REGISTRATION. (a) The board
20-10 [~~commission~~] may issue a provisional registration to an applicant
20-11 currently registered in another jurisdiction who seeks an
20-12 equivalent registration in this state and who:

20-13 (1) has been registered in good standing in the field
20-14 in which the registration is sought for at least two years in
20-15 another jurisdiction, including a foreign country, that has
20-16 registration requirements substantially equivalent to the
20-17 requirements of this chapter;

20-18 (2) has passed a national or other examination
20-19 recognized by the board [~~commission~~] relating to practice in the
20-20 field in which the registration is sought; and

20-21 (3) is employed by a person licensed by the board
20-22 [~~commission~~] under this chapter with whom the provisional
20-23 registration holder will practice during the time the person holds
20-24 a provisional registration.

20-25 (b) A provisional registration is valid until the date the
20-26 board [~~commission~~] approves or denies the provisional registration
20-27 holder's application for a registration. The board [~~commission~~]
20-28 shall issue a registration under this chapter to the provisional
20-29 registration holder if the provisional registration holder is
20-30 eligible to be registered under this chapter.

20-31 (c) The board [~~commission~~] must approve or deny a
20-32 provisional registration holder's application for a registration
20-33 not later than the 180th day after the date the provisional
20-34 registration is issued. The board [~~commission~~] may extend the
20-35 180-day period if the results of an examination have not been
20-36 received by the board [~~commission~~] before the end of that period.

20-37 (d) The board [~~commission~~] may establish a fee for
20-38 provisional registration in an amount reasonable and necessary to
20-39 cover the cost of issuing the registration.

20-40 SECTION 4.67. Section 1702.232, Occupations Code, is
20-41 amended to read as follows:

20-42 Sec. 1702.232. POCKET CARDS. (a) The board [~~commission~~]
20-43 shall issue a pocket card for each registrant under this chapter. A
20-44 pocket card for an owner, officer, partner, or shareholder of a
20-45 license holder shall be issued to the license holder.

20-46 (b) The board [~~commission~~] shall determine the size,
20-47 design, and content of the pocket card.

20-48 (c) The pocket card must:

20-49 (1) state the name of the registrant;

20-50 (2) contain a color photograph, affixed to the pocket
20-51 card by the board at the time the card is issued, and the signature
20-52 of the registrant; ~~and~~

20-53 (3) state the date the card was issued and the card's
20-54 expiration date; and

20-55 (4) state each endorsement held by the registrant and
20-56 the date the endorsement expires.

20-57 SECTION 4.68. Section 1702.234, Occupations Code, is
20-58 amended to read as follows:

20-59 Sec. 1702.234. REGISTRATION AND ENDORSEMENT TRANSFER. A
20-60 registrant may transfer the registrant's registration and
20-61 endorsements from one employer to another employer if, not later
20-62 than the 14th day after the date the registrant begins the new
20-63 employment, the new employer notifies the board [~~commission~~] of the
20-64 transfer of employment on a form prescribed by the board
20-65 [~~commission~~] accompanied by payment of the employee information
20-66 update fee.

20-67 SECTION 4.69. Section 1702.235, Occupations Code, is
20-68 amended to read as follows:

20-69 Sec. 1702.235. PREEMPLOYMENT CHECK FOR NONCOMMISSIONED

21-1 SECURITY OFFICERS. A person may not hire a noncommissioned
 21-2 security officer unless the person conducts a preemployment check
 21-3 as required by board [~~commission~~] rule.

21-4 SECTION 4.70. Section 1702.236, Occupations Code, is
 21-5 amended to read as follows:

21-6 Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR
 21-7 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The board
 21-8 [~~commission~~] shall require an individual who applies for an
 21-9 endorsement [~~registration~~] as an electronic access control device
 21-10 installer to pass an examination given by the board [~~commission~~] or
 21-11 a person approved by the board [~~commission~~]. The examination must
 21-12 cover material related to access control.

21-13 (b) [~~(c)~~] On and after September 1, 2005, the board
 21-14 [~~commission~~] by rule may allow an electronic access control device
 21-15 installer to obtain or renew an endorsement [~~a certificate of~~
 21-16 ~~registration~~] by fulfilling the requirements of a board-approved
 21-17 [~~commission-approved~~], industry-based educational training
 21-18 program.

21-19 SECTION 4.71. Sections 1702.239(a), (b), and (d),
 21-20 Occupations Code, are amended to read as follows:

21-21 (a) The board [~~commission~~] may require that an individual
 21-22 employed as an alarm systems installer or security salesperson hold
 21-23 a certification by a board-approved [~~commission-approved~~] training
 21-24 program to renew an endorsement [~~an initial registration~~]. The
 21-25 board [~~commission~~] may approve only nationally recognized training
 21-26 programs that consist of at least 16 hours of classroom study in the
 21-27 areas of work allowed by the endorsement [~~registration~~]. To be
 21-28 approved, a training program must offer at least two certification
 21-29 programs each year, sufficient to complete the requirements of this
 21-30 subsection, within 100 miles of each county in the state that has a
 21-31 population of more than 500,000.

21-32 (b) The board [~~commission~~] may require an individual who has
 21-33 completed a training program under Subsection (a) to pass an
 21-34 examination given by the board [~~commission~~] or by a person approved
 21-35 by the board [~~commission~~]. The board [~~commission~~] may approve
 21-36 examinations in conjunction with training programs approved under
 21-37 Subsection (a). The individual's performance on the examination
 21-38 must demonstrate the individual's qualifications to perform the
 21-39 duties allowed by the individual's endorsement [~~registration~~].

21-40 (d) If the board [~~commission~~] requires certification or
 21-41 examination under this section, the board [~~commission~~] shall
 21-42 implement rules to require that to renew an endorsement [~~a~~
 21-43 ~~registration~~], an individual who is employed as an alarm systems
 21-44 installer or a security salesperson and who has already once
 21-45 renewed the endorsement [~~registration~~] must obtain continuing
 21-46 education credits related to the line of work for which the
 21-47 individual is licensed. If the board [~~commission~~] requires the
 21-48 continuing education, the chief administrator [~~director~~] must
 21-49 approve classes offered by nationally recognized organizations,
 21-50 and participants in the classes must qualify according to board
 21-51 [~~commission~~] rules.

21-52 SECTION 4.72. Section 1702.240(b), Occupations Code, is
 21-53 amended to read as follows:

21-54 (b) An employee of a license holder who is employed
 21-55 exclusively as an undercover agent is not required to register with
 21-56 the board [~~commission~~].

21-57 SECTION 4.73. Subchapter J, Chapter 1702, Occupations Code,
 21-58 is amended by adding Section 1702.241 to read as follows:

21-59 Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The board
 21-60 may develop and administer at least twice each calendar year a
 21-61 jurisprudence examination to determine the knowledge that an
 21-62 applicant for an endorsement has of this chapter, board rules, and
 21-63 any other applicable laws of this state affecting the applicant's
 21-64 activities regulated under this chapter.

21-65 (b) Before the board may administer a jurisprudence
 21-66 examination under this section, the board shall adopt rules to
 21-67 implement this section, including rules related to the development
 21-68 and administration of the examination, examination fees,
 21-69 guidelines for reexamination, grading the examination, and

22-1 providing notice of examination results. The board may design
 22-2 different examinations for different types of endorsements.

22-3 SECTION 4.74. Sections 1702.282(c) and (e), Occupations
 22-4 Code, are amended to read as follows:

22-5 (c) A license, registration, security officer commission,
 22-6 letter of approval, permit, endorsement, or certification issued by
 22-7 the board is conditional on the board's receipt of criminal history
 22-8 record information.

22-9 (e) On receipt of notice that a check of the applicant's
 22-10 criminal record has uncovered an unresolved and potentially
 22-11 disqualifying arrest that occurred before the 10th anniversary of
 22-12 the date the application is filed, the applicant must provide a
 22-13 letter of reference from the county sheriff, prosecuting attorney,
 22-14 or judge of the county in which the applicant was arrested stating
 22-15 that a record of a disposition related to the arrest does not exist,
 22-16 and to the best of the county sheriff's, prosecuting attorney's, or
 22-17 judge's knowledge the applicant is free of any disqualifying
 22-18 convictions. If the applicant fails to provide either the letter of
 22-19 reference or documentary proof of the final disposition of the
 22-20 arrest, the application is considered incomplete and the applicant
 22-21 may not be issued a license, commission, endorsement, or
 22-22 certificate of registration under this chapter.

22-23 SECTION 4.75. Section 1702.283, Occupations Code, is
 22-24 amended to read as follows:

22-25 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been
 22-26 convicted of cruelty to animals under Section 42.09 or 42.092,
 22-27 Penal Code:

22-28 (1) is ineligible for a license as a guard dog company
 22-29 or for endorsement [~~registration~~] as a dog trainer; and

22-30 (2) may not be employed to work with dogs as a security
 22-31 officer by a security services contractor or security department of
 22-32 a private business that uses dogs to protect individuals or
 22-33 property or to conduct investigations.

22-34 SECTION 4.76. Section 1702.285, Occupations Code, is
 22-35 amended to read as follows:

22-36 Sec. 1702.285. FALSE REPRESENTATION. A person may not
 22-37 represent falsely that the person:

22-38 (1) is employed by a license holder; or

22-39 (2) is licensed, registered, endorsed, or
 22-40 commissioned under this chapter.

22-41 SECTION 4.77. Sections 1702.301(c), (d), (e), (f), (g), and
 22-42 (h), Occupations Code, are amended to read as follows:

22-43 (c) A personal protection officer endorsement
 22-44 [~~authorization~~] expires on the expiration date of the security
 22-45 officer commission under which the individual's endorsement
 22-46 [~~authorization~~] is issued.

22-47 (d) Endorsement [~~Registration~~] as a private investigator,
 22-48 manager, branch office manager, alarm systems installer, security
 22-49 consultant, security salesperson, alarm systems monitor, or dog
 22-50 trainer expires on the second anniversary of the date of
 22-51 endorsement [~~registration~~].

22-52 (e) Endorsement [~~Registration~~] as an owner, officer,
 22-53 partner, or shareholder of a license holder expires on the second
 22-54 anniversary of the date of endorsement [~~registration~~].

22-55 (f) Endorsement [~~Registration~~] as a noncommissioned
 22-56 security officer expires on the second anniversary of the date of
 22-57 endorsement [~~registration~~].

22-58 (g) A letter of authority, or a school approval or school
 22-59 instructor approval letter issued by the board [~~commission~~],
 22-60 expires on the first anniversary of the date of issuance.

22-61 (h) A license, [~~or~~] registration, or endorsement issued
 22-62 under this chapter, other than one specified in this section,
 22-63 expires on the date specified by this chapter or by board
 22-64 [~~commission~~] rule.

22-65 SECTION 4.78. Section 1702.302, Occupations Code, is
 22-66 amended to read as follows:

22-67 Sec. 1702.302. LICENSE RENEWAL. (a) A person who is
 22-68 otherwise eligible to renew a license may renew an unexpired
 22-69 license by paying the required renewal fee to the board

23-1 [~~commission~~] before the expiration date of the license. A person
23-2 whose license has expired may not engage in activities that require
23-3 a license until the license has been renewed.

23-4 (b) A person whose license has been expired for 90 days or
23-5 less may renew the license by paying to the board [~~commission~~] a
23-6 renewal fee that is equal to 1-1/2 times the normally required
23-7 renewal fee.

23-8 (c) A person whose license has been expired for longer than
23-9 90 days but less than one year may renew the license by paying to the
23-10 board [~~commission~~] a renewal fee that is equal to two times the
23-11 normally required renewal fee.

23-12 (d) A person whose license has been expired for one year or
23-13 more may not renew the license. The person may obtain a new license
23-14 by complying with the requirements and procedures, including the
23-15 examination requirements, for obtaining an original license.

23-16 (e) Not later than the 30th day before the date a person's
23-17 license is scheduled to expire, the board [~~commission~~] shall send
23-18 written notice of the impending expiration to the person at the
23-19 person's last known address according to the board's [~~commission's~~]
23-20 records.

23-21 SECTION 4.79. Section 1702.303, Occupations Code, is
23-22 amended to read as follows:

23-23 Sec. 1702.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE
23-24 PRACTITIONER. A person who was licensed in this state, moved to
23-25 another state, and is currently licensed and has been in practice in
23-26 the other state for the two years preceding the date the person
23-27 applies for renewal may obtain a new license without reexamination.
23-28 The person must pay to the board [~~commission~~] a fee that is equal to
23-29 two times the normally required renewal fee for the license.

23-30 SECTION 4.80. Section 1702.304, Occupations Code, is
23-31 amended to read as follows:

23-32 Sec. 1702.304. STAGGERED RENEWAL; PRORATION OF LICENSE FEE.
23-33 The board [~~commission~~] by rule may adopt a system under which
23-34 licenses expire on various dates during the year. For the year in
23-35 which the expiration date of a license is changed, the board
23-36 [~~commission~~] shall prorate license fees on a monthly basis so that
23-37 each license holder pays only that portion of the license fee that
23-38 is allocable to the number of months during which the license is
23-39 valid. On renewal of the license on the new expiration date, the
23-40 total license renewal fee is payable.

23-41 SECTION 4.81. Section 1702.307, Occupations Code, is
23-42 amended to read as follows:

23-43 Sec. 1702.307. REGISTRATION RENEWAL. (a) An individual
23-44 who is otherwise eligible to renew a registration may renew an
23-45 unexpired registration by paying the required renewal fee to the
23-46 board [~~commission~~] before the expiration date of the registration.
23-47 An individual whose registration has expired may not engage in
23-48 activities that require a registration until the registration has
23-49 been renewed.

23-50 (b) An individual whose registration has been expired for 90
23-51 days or less may renew the registration by paying to the board
23-52 [~~commission~~] a renewal fee that is equal to 1-1/2 times the normally
23-53 required renewal fee.

23-54 (c) An individual whose registration has been expired for
23-55 more than 90 days but less than one year may renew the registration
23-56 by paying to the board [~~commission~~] a renewal fee that is equal to
23-57 two times the normally required renewal fee.

23-58 (d) An individual whose registration has been expired for
23-59 one year or more may not renew the registration. The individual may
23-60 obtain a new registration by complying with the requirements and
23-61 procedures, including any examination required by the board
23-62 [~~commission~~], for obtaining an original registration.

23-63 (e) An individual who was registered in this state, moved to
23-64 another state, and is currently registered and has been in practice
23-65 in the other state for the two years preceding the date of
23-66 application may obtain a new registration without reexamination.
23-67 The individual must pay to the board [~~commission~~] a fee that is
23-68 equal to two times the normally required renewal fee for the
23-69 registration.

24-1 (f) Not later than the 30th day before the expiration date
24-2 of an individual's registration, the board [~~commission~~] shall send
24-3 written notice of the impending expiration to the individual at the
24-4 individual's last known address according to board [~~commission~~]
24-5 records.

24-6 SECTION 4.82. Sections 1702.308(b) and (c), Occupations
24-7 Code, are amended to read as follows:

24-8 (b) The board [~~commission~~] shall recognize, prepare, or
24-9 administer continuing education programs for license holders,
24-10 commissioned security officers, and endorsement holders
24-11 [~~registrants~~]. The board [~~commission~~] shall set the minimum number
24-12 of hours that must be completed and the types of programs that may
24-13 be offered.

24-14 (c) A license holder, commissioned security officer, or
24-15 endorsement holder [~~registrant~~] must participate in the programs to
24-16 the extent required by the board [~~commission~~] to keep the person's
24-17 license, commission, or endorsement [~~registration~~]. A license
24-18 holder, commissioned security officer, or endorsement holder
24-19 [~~registrant~~] shall submit evidence of compliance with the board's
24-20 [~~commission's~~] continuing education requirements in a manner
24-21 prescribed by the board [~~commission~~].

24-22 SECTION 4.83. Section 1702.309(a), Occupations Code, is
24-23 amended to read as follows:

24-24 (a) The board [~~commission~~] by rule shall develop a
24-25 continuing education course required for renewal of a security
24-26 officer commission. Only a board-approved [~~commission-approved~~]
24-27 instructor may administer the continuing education course. The
24-28 course must include at least six hours of instruction determined by
24-29 the chief administrator [~~director~~] of the board [~~commission~~].

24-30 SECTION 4.84. Sections 1702.321(b), (c), and (e),
24-31 Occupations Code, are amended to read as follows:

24-32 (b) The provisions of this chapter relating to security
24-33 officer commissions apply to a person employed by a political
24-34 subdivision whose duties include serving as a security guard,
24-35 security watchman, or security patrolman on property owned or
24-36 operated by the political subdivision if the governing body of the
24-37 political subdivision files a written request with the board
24-38 [~~commission~~] for the board [~~commission~~] to issue a commission to
24-39 the political subdivision's employees with those duties.

24-40 (c) The board [~~commission~~] may not charge a fee for issuing
24-41 a commission to an officer under Subsection (b). The board
24-42 [~~commission~~] shall issue to the officer a pocket card designating
24-43 the political subdivision that employs the officer.

24-44 (e) The board [~~commission~~] may approve a security officer
24-45 training program conducted by the political subdivision in
24-46 accordance with Sections 1702.1675 and 1702.168.

24-47 SECTION 4.85. Section 1702.361(b), Occupations Code, is
24-48 amended to read as follows:

24-49 (b) The department shall take disciplinary action described
24-50 by Subsection (a) on proof:

24-51 (1) that the applicant, license holder, registrant,
24-52 endorsement holder, or commissioned security officer has:

24-53 (A) violated this chapter or a rule adopted under
24-54 this chapter;

24-55 (B) become ineligible for licensure, [~~or~~]
24-56 registration, or endorsement under Section 1702.113, or a
24-57 commission under Section 1702.163, if applicable, other than an
24-58 action for which the department has taken summary action under
24-59 Section 1702.364;

24-60 (C) engaged in fraud, deceit, or
24-61 misrepresentation;

24-62 (D) made a material misstatement in an
24-63 application for or renewal of a license, registration, endorsement,
24-64 or commission; [~~or~~]

24-65 (E) failed to pay in full an administrative
24-66 penalty assessed under Subchapter Q, for which the board has issued
24-67 a final order; or

24-68 (F) performed any service for which an
24-69 endorsement is required under this chapter and either:

25-1 (i) was not employed with a company
25-2 licensed under this chapter at the time the service was performed;
25-3 or

25-4 (ii) performed the service for a company
25-5 licensed under this chapter that was not listed on the individual's
25-6 registration without informing the board of the individual's
25-7 employment with the company within a reasonable period; or

25-8 (2) that the license holder of a registrant or
25-9 commissioned security officer has submitted to the department
25-10 sufficient evidence that the registrant or commissioned security
25-11 officer:

25-12 (A) engaged in fraud or deceit while employed by
25-13 the license holder; or

25-14 (B) committed theft while performing work as a
25-15 registrant or commissioned security officer.

25-16 SECTION 4.86. Section 1702.362, Occupations Code, is
25-17 amended to read as follows:

25-18 Sec. 1702.362. FAILURE TO FILE REQUIRED NOTICE. The board
25-19 [~~commission~~] may suspend or revoke a license if the license holder
25-20 fails to notify the board [~~commission~~] as required by Section
25-21 1702.121 that a manager has ceased to be the manager of the license
25-22 holder.

25-23 SECTION 4.87. Section 1702.363, Occupations Code, is
25-24 amended to read as follows:

25-25 Sec. 1702.363. APPLICATION OF ADMINISTRATIVE PROCEDURE
25-26 ACT. Except as provided by Sections 1702.3615(b) and 1702.364, a
25-27 person regulated under this chapter against whom the board
25-28 [~~commission~~] has taken action is entitled to a hearing before the
25-29 State Office of Administrative Hearings. A proceeding under this
25-30 section is a contested case that is governed by Chapter 2001,
25-31 Government Code.

25-32 SECTION 4.88. Sections 1702.364(a), (d), (f), and (h),
25-33 Occupations Code, are amended to read as follows:

25-34 (a) On receiving written notice from a law enforcement
25-35 agency that a person has been charged with or convicted of an
25-36 offense that would make the person ineligible for a license,
25-37 certificate of registration, endorsement, or security officer
25-38 commission under Section 1702.113 or 1702.163, the department
25-39 shall:

25-40 (1) summarily deny the person's application for a
25-41 license, registration, endorsement, or security officer
25-42 commission;

25-43 (2) in the event of pending charges, summarily suspend
25-44 the person's license, certificate of registration, endorsement, or
25-45 security officer commission; or

25-46 (3) in the event of a conviction, summarily revoke the
25-47 person's license, certificate of registration, endorsement, or
25-48 security officer commission.

25-49 (d) At a preliminary hearing, the person must show cause
25-50 why:

25-51 (1) the application should not have been denied;

25-52 (2) the registration, license, endorsement, or
25-53 security officer commission should not have been suspended; or

25-54 (3) the registration, license, endorsement, or
25-55 commission should not have been revoked.

25-56 (f) The dismissal of a complaint, information, or
25-57 indictment or an acquittal releases the person from automatic
25-58 grounds for a summary denial of an application or summary
25-59 suspension of a registration, endorsement, or security officer
25-60 commission under this section. A conviction for the offense giving
25-61 rise to a summary suspension is automatic grounds for immediate,
25-62 summary revocation.

25-63 (h) The administrative law judge shall make findings of fact
25-64 and conclusions of law regarding the person's eligibility for a
25-65 license, registration, or endorsement under this section and
25-66 promptly issue to the board a proposal for a decision.

25-67 SECTION 4.89. Section 1702.365, Occupations Code, is
25-68 amended to read as follows:

25-69 Sec. 1702.365. ABDUCTION OF CHILD. The board [~~commission~~]

26-1 shall revoke a person's license, registration, endorsement, or
 26-2 security officer commission or deny a person's application for, or
 26-3 renewal of, a license, registration, endorsement, or security
 26-4 officer commission on proof that the person or an agent of the
 26-5 person has, after the date of application for a license,
 26-6 registration, endorsement, or security officer commission,
 26-7 abducted or attempted to abduct by force or the threat of force or
 26-8 by misrepresentation, stealth, or unlawful entry a child who at the
 26-9 time of the abduction or attempt is under the care and control of a
 26-10 person who:

26-11 (1) has custody or physical possession of the child
 26-12 under a court order; or

26-13 (2) is exercising the care and control with the
 26-14 consent of a person who has custody or physical possession of the
 26-15 child under a court order.

26-16 SECTION 4.90. Sections 1702.367(c), (d), and (e),
 26-17 Occupations Code, are amended to read as follows:

26-18 (c) A person required to testify or to produce a record or
 26-19 document on any matter properly under inquiry by the board
 26-20 [~~commission~~] who refuses to testify or to produce the record or
 26-21 document on the ground that the testimony or the production of the
 26-22 record or document would incriminate or tend to incriminate the
 26-23 person is nonetheless required to testify or to produce the record
 26-24 or document. A person who is required to testify or to produce a
 26-25 record or document under this subsection is not subject to
 26-26 indictment or prosecution for a transaction, matter, or thing
 26-27 concerning which the person truthfully testifies or produces
 26-28 evidence.

26-29 (d) If a witness refuses to obey a subpoena or to give
 26-30 evidence relevant to proper inquiry by the board [~~commission~~], the
 26-31 board [~~commission~~] may petition a district court of the county in
 26-32 which the hearing is held to compel the witness to obey the subpoena
 26-33 or to give the evidence. The court shall immediately issue process
 26-34 to the witness and shall hold a hearing on the petition as soon as
 26-35 possible.

26-36 (e) An investigator employed by the board [~~commission~~] may
 26-37 take statements under oath in an investigation of a matter covered
 26-38 by this chapter.

26-39 SECTION 4.91. Section 1702.368, Occupations Code, is
 26-40 amended to read as follows:

26-41 Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN
 26-42 OFFENSES. The department [~~Texas Department of Public Safety~~] shall
 26-43 notify the board [~~commission~~] and the police department of the
 26-44 municipality and the sheriff's department of the county in which a
 26-45 person licensed, registered, or commissioned under this chapter
 26-46 resides of the conviction of the person for a Class B misdemeanor or
 26-47 equivalent offense or a greater offense.

26-48 SECTION 4.92. Subchapter O, Chapter 1702, Occupations Code,
 26-49 is amended by adding Section 1702.372 to read as follows:

26-50 Sec. 1702.372. RECUSAL OF BOARD MEMBER. (a) A board member
 26-51 who participated in the investigation of a complaint or in informal
 26-52 settlement negotiations regarding the complaint:

26-53 (1) may not vote on the matter at a board meeting
 26-54 related to the complaint; and

26-55 (2) shall state at the meeting the reason for which the
 26-56 member is prohibited from voting on the matter.

26-57 (b) A statement under Subsection (a)(2) shall be entered
 26-58 into the minutes of the meeting.

26-59 SECTION 4.93. Section 1702.381(b), Occupations Code, is
 26-60 amended to read as follows:

26-61 (b) A person who contracts with or employs a person who is
 26-62 required to hold a license, [~~certificate of~~] registration,
 26-63 endorsement, or security officer commission under this chapter
 26-64 knowing that the person does not hold the required license,
 26-65 registration, endorsement [~~certificate~~], or commission or who
 26-66 otherwise, at the time of contract or employment, is in violation of
 26-67 this chapter may be assessed a civil penalty to be paid to the state
 26-68 in an amount not to exceed \$10,000 for each violation.

26-69 SECTION 4.94. Section 1702.386(a), Occupations Code, is

27-1 amended to read as follows:

27-2 (a) A person commits an offense if the person contracts with
 27-3 or employs a person who is required to hold a license, registration,
 27-4 endorsement [~~certificate~~], or commission under this chapter
 27-5 knowing that the person does not hold the required license,
 27-6 registration, endorsement [~~certificate~~], or commission or who
 27-7 otherwise, at the time of contract or employment, is in violation of
 27-8 this chapter.

27-9 SECTION 4.95. Section 1702.3863(a), Occupations Code, is
 27-10 amended to read as follows:

27-11 (a) A person commits an offense if the person contracts with
 27-12 or is employed by a bail bond surety as defined by Chapter 1704 to
 27-13 secure the appearance of a person who has violated Section 38.10,
 27-14 Penal Code, unless the person is:

27-15 (1) a peace officer;

27-16 (2) an individual endorsed or licensed as a private
 27-17 investigator or the manager of a licensed investigations company;
 27-18 or

27-19 (3) a commissioned security officer employed by a
 27-20 licensed guard company.

27-21 SECTION 4.96. Section 1702.387(a), Occupations Code, is
 27-22 amended to read as follows:

27-23 (a) A person commits an offense if the person fails to
 27-24 surrender or immediately return to the board [~~commission~~] the
 27-25 person's registration, commission, pocket card, or other
 27-26 identification issued to the person by the board [~~commission~~] on
 27-27 notification of a summary suspension or summary denial under
 27-28 Section 1702.364.

27-29 SECTION 4.97. Section 1702.388(b), Occupations Code, is
 27-30 amended to read as follows:

27-31 (b) An offense under this section is a Class A misdemeanor,
 27-32 except that the offense is a felony of the third degree if the
 27-33 person has previously been convicted under this chapter of failing
 27-34 to hold a license, registration, endorsement, certificate, or
 27-35 commission that the person is required to hold under this chapter.

27-36 SECTION 4.98. Section 1702.402, Occupations Code, is
 27-37 amended by amending Subsection (a) and adding Subsection (c) to
 27-38 read as follows:

27-39 (a) Each day a violation continues or occurs is a separate
 27-40 violation for purposes of imposing a penalty. The amount of each
 27-41 separate violation may not exceed \$5,000 [~~\$500~~].

27-42 (c) The board by rule shall develop a standardized penalty
 27-43 schedule based on the criteria listed in Subsection (b).

27-44 SECTION 4.99. Section 1702.406(b), Occupations Code, is
 27-45 amended to read as follows:

27-46 (b) The notice of the board's order given to the person must
 27-47 include a statement of the right of the person to judicial review of
 27-48 the order. Judicial review is under the substantial evidence rule
 27-49 as provided by Subchapter G, Chapter 2001, Government Code.

27-50 SECTION 4.100. The following provisions of the Occupations
 27-51 Code are repealed:

27-52 (1) Section 1702.002(4);

27-53 (2) Section 1702.003;

27-54 (3) Section 1702.045;

27-55 (4) Section 1702.046;

27-56 (5) Section 1702.065;

27-57 (6) Section 1702.069;

27-58 (7) Section 1702.113(e);

27-59 (8) Section 1702.364(j); and

27-60 (9) Subchapter K.

27-61 SECTION 4.101. (a) Not later than January 1, 2010, the
 27-62 Texas Private Security Board and the Department of Public Safety
 27-63 shall adopt the rules required by or under Section 1702.062,
 27-64 Occupations Code, as amended by this article. The fee schedule in
 27-65 effect under Section 1702.062, Occupations Code, before the
 27-66 effective date of this article is continued in effect until new fees
 27-67 are adopted under Section 1702.062, Occupations Code, as amended by
 27-68 this article.

27-69 (b) The requirement to pass a jurisprudence examination

28-1 under Section 1702.241, Occupations Code, as added by this article,
28-2 applies only to an individual who applies for a registration or
28-3 endorsement under Chapter 1702, Occupations Code, on or after the
28-4 date specified by the Texas Private Security Board in the event the
28-5 board begins requiring applicants to pass a jurisprudence
28-6 examination, but not earlier than September 1, 2010.

28-7 (c) The changes in law made by this article related to the
28-8 filing, investigation, or resolution of a complaint under Chapter
28-9 1702, Occupations Code, as amended by this article, apply only to a
28-10 complaint filed with the Texas Private Security Board on or after
28-11 the effective date of this article. A complaint filed before the
28-12 effective date of this article is governed by the law as it existed
28-13 immediately before that date, and the former law is continued in
28-14 effect for that purpose.

28-15 (d) The changes in law made by this article governing the
28-16 authority of the Texas Private Security Board and the Department of
28-17 Public Safety to issue, renew, or revoke a license, registration,
28-18 endorsement, or commission under Chapter 1702, Occupations Code,
28-19 apply only to an application for an original or renewal license,
28-20 registration, endorsement, or commission filed with the Texas
28-21 Private Security Board under Chapter 1702, Occupations Code, as
28-22 amended by this article, on or after the effective date of this
28-23 article. An application filed before the effective date of this
28-24 article is governed by the law in effect at the time the application
28-25 was filed, and the former law is continued in effect for that
28-26 purpose.

28-27 (e) The change in law made by this article with respect to
28-28 conduct that is grounds for imposition of a disciplinary sanction
28-29 applies only to conduct that occurs on or after the effective date
28-30 of this article. Conduct that occurs before the effective date of
28-31 this article is governed by the law in effect on the date the
28-32 conduct occurred, and the former law is continued in effect for that
28-33 purpose.

28-34 (f) Section 1702.372, Occupations Code, as added by this
28-35 article, applies only to a hearing conducted on or after the
28-36 effective date of this article, regardless of the date on which the
28-37 complaint was filed. A complaint on which a hearing is conducted
28-38 before the effective date of this article is governed by the law in
28-39 effect on the date the hearing was conducted, and the former law is
28-40 continued in effect for that purpose.

28-41 (g) The holder of a Class D license under Chapter 1702,
28-42 Occupations Code, as amended by this article, shall be considered
28-43 to hold a Class B license on the effective date of this article. On
28-44 the expiration of the Class D license, the license holder may renew
28-45 the license as a Class B license.

28-46 SECTION 4.102. This article takes effect September 1, 2009.

28-47 ARTICLE 4A [Blank]

28-48 ARTICLE 4B. REGULATION OF THE BUSINESS OF PRIVATE SECURITY

28-49 SECTION 4B.01. Section 1702.002, Occupations Code, is
28-50 amended by amending Subdivision (1-a) and adding Subdivisions
28-51 (16-a) and (20-a) to read as follows:

28-52 (1-a) For purposes of Subdivision (1), the term "alarm
28-53 system" does not include a telephone entry system, an operator for
28-54 opening or closing a residential or commercial gate or door, or an
28-55 accessory used only to activate a gate or door, if the system,
28-56 operator, or accessory is not connected to a computer or data
28-57 processor that records or archives the voice, visual image, or
28-58 identifying information of the user ~~[an alarm system]~~.

28-59 (16-a) "Personal protection officer" means a person
28-60 who performs the activities described by Section 1702.202.

28-61 (20-a) "Security officer" means a person who performs
28-62 the activities described by Section 1702.222.

28-63 SECTION 4B.02. Section 1702.047, Occupations Code, is
28-64 amended to read as follows:

28-65 Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall
28-66 designate a department employee who shall report directly to the
28-67 board. The employee designated under this section shall provide
28-68 administrative assistance to ~~[assist]~~ the board in the performance
28-69 [administration] of the board's duties. ~~[The salary for an~~

29-1 ~~employee designated under this section may not exceed the salary~~
 29-2 ~~specified in the General Appropriations Act for an employee subject~~
 29-3 ~~to salary group A10.]~~

29-4 SECTION 4B.03. Subsection (e), Section 1702.082,
 29-5 Occupations Code, is amended to read as follows:

29-6 (e) On written request, the department ~~[The commission, at~~
 29-7 ~~least quarterly until final disposition of the complaint,]~~ shall
 29-8 inform ~~[notify]~~ the person filing the complaint and each person who
 29-9 is a subject of the complaint of the status of the investigation
 29-10 unless the information ~~[notice]~~ would jeopardize an ongoing
 29-11 ~~[undercover]~~ investigation.

29-12 SECTION 4B.04. Subchapter A, Chapter 1702, Occupations
 29-13 Code, is amended by adding Section 1702.006 to read as follows:

29-14 Sec. 1702.006. FOREIGN ENTITY REGISTRATION. Licensure
 29-15 under this chapter does not exempt a foreign entity from the
 29-16 registration requirements of Chapter 9, Business Organizations
 29-17 Code.

29-18 SECTION 4B.05. Subsection (a), Section 1702.1056,
 29-19 Occupations Code, is amended to read as follows:

29-20 (a) A person acts as a locksmith company for the purposes of
 29-21 this chapter if the person:

29-22 (1) sells, installs, services, or maintains, or offers
 29-23 to sell, install, service, or maintain, mechanical security
 29-24 devices, including deadbolts and locks;

29-25 (2) advertises services offered by the company using
 29-26 the term "locksmith"; or

29-27 (3) includes the term "locksmith" in the company's
 29-28 name.

29-29 SECTION 4B.06. Section 1702.110, Occupations Code, is
 29-30 amended to read as follows:

29-31 Sec. 1702.110. APPLICATION FOR LICENSE. (a) An
 29-32 application for a license under this chapter must be in the form
 29-33 prescribed by the board ~~[commission]~~ and include:

29-34 (1) the full name and business address of the
 29-35 applicant;

29-36 (2) the name under which the applicant intends to do
 29-37 business;

29-38 (3) a statement as to the general nature of the
 29-39 business in which the applicant intends to engage;

29-40 (4) a statement as to the classification for which the
 29-41 applicant requests qualification;

29-42 (5) if the applicant is an entity other than an
 29-43 individual, the full name and residence address of each partner,
 29-44 officer who oversees the security-related aspects of the business,
 29-45 and director of the applicant, and of the applicant's manager;

29-46 (6) if the applicant is an individual, two
 29-47 classifiable sets of fingerprints of the applicant or, if the
 29-48 applicant is an entity other than an individual, of each officer who
 29-49 oversees the security-related aspects of the business and of each
 29-50 partner or shareholder who owns at least a 25 percent interest in
 29-51 the applicant;

29-52 (7) a verified statement of the applicant's experience
 29-53 qualifications in the particular classification in which the
 29-54 applicant is applying;

29-55 (8) a report from the department ~~[Texas Department of~~
 29-56 ~~Public Safety]~~ stating the applicant's record of any convictions
 29-57 for a Class B misdemeanor or equivalent offense or a greater
 29-58 offense;

29-59 (9) the social security number of the individual
 29-60 making the application; and

29-61 (10) other information, evidence, statements, or
 29-62 documents required by the board ~~[commission]~~.

29-63 (b) An applicant for a license as a security services
 29-64 contractor shall maintain a physical address within this state and
 29-65 provide that address to the board. The board shall adopt rules to
 29-66 enable an out-of-state license holder to comply with this
 29-67 subsection.

29-68 SECTION 4B.07. Section 1702.112, Occupations Code, is
 29-69 amended to read as follows:

30-1 Sec. 1702.112. FORM OF LICENSE. The board [~~commission~~]
30-2 shall prescribe the form of a license, including a branch office
30-3 license. The license must include:

- 30-4 (1) the name of the license holder;
- 30-5 (2) the name under which the license holder is to
30-6 operate; [~~and~~]
- 30-7 (3) the license number and the date the license was
30-8 issued; and
- 30-9 (4) a photograph of the license holder, affixed to the
30-10 license at the time the license is issued by the board.

30-11 SECTION 4B.08. Section 1702.121, Occupations Code, is
30-12 amended to read as follows:

30-13 Sec. 1702.121. TERMINATION OF MANAGER. (a) A license
30-14 holder shall notify the board [~~commission~~] in writing not later
30-15 than the 14th day after the date a manager ceases to be manager of
30-16 the license holder's business. The license remains in effect for a
30-17 reasonable period after notice is given as provided by board
30-18 [~~commission~~] rule pending the board's [~~commission's~~] determination
30-19 of the qualification of another manager under this subchapter.

30-20 (b) A manager shall be immediately terminated on the
30-21 effective date of any summary action taken against the manager. Any
30-22 period of temporary operation authorized under this section or
30-23 Section 1702.122 starts on the date of termination.

30-24 SECTION 4B.09. Section 1702.127, Occupations Code, is
30-25 amended by amending Subsections (b) and (c) and adding Subsection
30-26 (d) to read as follows:

30-27 (b) A license holder shall maintain a record containing
30-28 information related to the license holder's employees as required
30-29 by the board [~~commission~~].

30-30 (c) A license holder shall maintain for [~~commission~~]
30-31 inspection by the department at the license holder's principal
30-32 place of business or branch office two recent color photographs, of
30-33 a type required by the board [~~commission~~], of each applicant,
30-34 registrant, commissioned security officer, and employee of the
30-35 license holder.

30-36 (d) A license holder shall maintain records required under
30-37 this chapter at a physical address within this state and provide
30-38 that address to the board.

30-39 SECTION 4B.10. Section 1702.163, Occupations Code, is
30-40 amended by adding Subsection (d-1) to read as follows:

30-41 (d-1) For the purposes of determining eligibility under
30-42 Subsection (b)(2), the department may require the applicant to
30-43 authorize the release to the department of any relevant medical
30-44 records.

30-45 SECTION 4B.11. Section 1702.201, Occupations Code, is
30-46 amended to read as follows:

30-47 Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT
30-48 [~~AUTHORIZATION~~] REQUIRED. An individual [~~A commissioned security~~
30-49 ~~officer~~] may not act as a personal protection officer unless the
30-50 individual [~~officer~~] holds a personal protection officer
30-51 endorsement [~~authorization~~].

30-52 SECTION 4B.12. Section 1702.202, Occupations Code, is
30-53 amended to read as follows:

30-54 Sec. 1702.202. PERSONAL PROTECTION OFFICER. An individual
30-55 acts as a personal protection officer if the individual, while
30-56 carrying a firearm, [+

30-57 [~~(1) has been issued a security officer commission to~~
30-58 ~~carry a concealed firearm, and~~

30-59 [~~(2) provides to another [an] individual personal~~
30-60 ~~protection from bodily harm.~~

30-61 SECTION 4B.13. Section 1702.206, Occupations Code, is
30-62 amended to read as follows:

30-63 Sec. 1702.206. LIMITED AUTHORITY TO CARRY [~~CONCEALED~~]
30-64 FIREARMS. (a) An individual acting as a personal protection
30-65 officer may not carry a [~~concealed~~] firearm unless the officer:

- 30-66 (1) is either:
- 30-67 (A) engaged in the exclusive performance of the
30-68 officer's duties as a personal protection officer for the employer
30-69 under whom the officer's personal protection officer endorsement

31-1 [~~authorization~~] is issued; or
 31-2 (B) traveling to or from the officer's place of
 31-3 assignment; and
 31-4 (2) carries the officer's security officer commission
 31-5 and personal protection officer endorsement [~~authorization~~] on the
 31-6 officer's person while performing the officer's duties or traveling
 31-7 as described by Subdivision (1) and presents the commission and
 31-8 endorsement [~~authorization~~] on request.

31-9 (b) An individual who is acting as a personal protection
 31-10 officer and is wearing the uniform of a security officer, including
 31-11 any uniform or apparel described by Section 1702.323(d), may not
 31-12 conceal any firearm the individual is carrying and shall carry the
 31-13 firearm in plain view. An individual who is acting as a personal
 31-14 protection officer and is not wearing the uniform of a security
 31-15 officer shall conceal the firearm.

31-16 SECTION 4B.14. Section 1702.230, Occupations Code, is
 31-17 amended by amending Subsection (b) and adding Subsection (c) to
 31-18 read as follows:

31-19 (b) The employer of the applicant shall make a reasonable
 31-20 attempt to verify the information required under Subsection (a)(1)
 31-21 before the earlier of:

- 31-22 (1) the date the application is submitted; or
- 31-23 (2) the date the applicant begins to perform the
 31-24 duties of employment that require registration.

31-25 (c) An applicant must submit an application that
 31-26 substantially meets the requirements of this section before
 31-27 employment in a capacity for which registration is required.

31-28 SECTION 4B.15. Subsection (a), Section 1702.282,
 31-29 Occupations Code, is amended to read as follows:

31-30 (a) The board shall conduct a criminal history check,
 31-31 including a check of any criminal history record information
 31-32 maintained by the Federal Bureau of Investigation, in the manner
 31-33 provided by Subchapter F, Chapter 411, Government Code, on each
 31-34 applicant for a license, registration, security officer
 31-35 commission, letter of approval, permit, endorsement, or
 31-36 certification. As part of its criminal history check, the board may
 31-37 request that the applicant provide certified copies of relevant
 31-38 court documents or other records. The failure to provide the
 31-39 requested records within a reasonable time as determined by the
 31-40 board may result in the application being considered incomplete.
 31-41 An applicant is not eligible for a license, registration,
 31-42 commission, letter of approval, permit, endorsement, or
 31-43 certification if the check reveals that the applicant has committed
 31-44 an act that constitutes grounds for the denial of the license,
 31-45 registration, commission, letter of approval, permit, endorsement,
 31-46 or certification. Except as provided by Subsection (d), each
 31-47 applicant shall include in the application two complete sets of
 31-48 fingerprints on forms prescribed by the board accompanied by the
 31-49 fee set by the board.

31-50 SECTION 4B.16. Section 1702.286, Occupations Code, as added
 31-51 by Chapter 1102 (H.B. 2243), Acts of the 79th Legislature, Regular
 31-52 Session, 2005, is renumbered as Section 1702.2865, Occupations
 31-53 Code, to read as follows:

31-54 Sec. 1702.2865 [1702.286]. CUSTOMER AUTHORIZATION REQUIRED
 31-55 FOR CERTAIN LOCKSMITH SERVICES. (a) A locksmith company or
 31-56 locksmith may not perform services for a customer who seeks entry to
 31-57 a structure, motor vehicle, or other property unless the customer,
 31-58 in the course of the transaction:

31-59 (1) shows the locksmith company or locksmith a
 31-60 government-issued identification; and

31-61 (2) provides a signed authorization stating that the
 31-62 customer owns or is otherwise entitled to legal access to the
 31-63 structure, motor vehicle, or other property.

31-64 (b) A locksmith company or locksmith is exempt from
 31-65 Subsection (a) if the locksmith is requested to perform services in
 31-66 a case of imminent threat to a person or property.

31-67 SECTION 4B.17. Section 1702.322, Occupations Code, is
 31-68 amended to read as follows:

31-69 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter

32-1 does not apply to:

32-2 (1) a person who has full-time employment as a peace

32-3 officer and who receives compensation for private employment on an

32-4 individual or an independent contractor basis as a patrolman,

32-5 guard, extra job coordinator, or watchman if the officer:

32-6 (A) is employed in an employee-employer

32-7 relationship or employed on an individual contractual basis

32-8 directly by the recipient of the services;

32-9 (B) is not in the employ of another peace

32-10 officer;

32-11 (C) is not a reserve peace officer; and

32-12 (D) works as a peace officer on the average of at

32-13 least 32 hours a week, is compensated by the state or a political

32-14 subdivision of the state at least at the minimum wage, and is

32-15 entitled to all employee benefits offered to a peace officer by the

32-16 state or political subdivision;

32-17 (2) a reserve peace officer while the reserve officer

32-18 is performing guard, patrolman, or watchman duties for a county and

32-19 is being compensated solely by that county;

32-20 (3) a peace officer acting in an official capacity in

32-21 responding to a burglar alarm or detection device; or

32-22 (4) a person engaged in the business of electronic

32-23 monitoring of an individual as a condition of that individual's

32-24 community supervision, parole, mandatory supervision, or release

32-25 on bail, if the person does not perform any other service that

32-26 requires a license under this chapter.

32-27 SECTION 4B.18. Subsection (a), Section 1702.361,

32-28 Occupations Code, is amended to read as follows:

32-29 (a) ~~The [Subject to the board's final order under the~~

32-30 ~~hearing provisions of this subchapter, the] department, for conduct~~

32-31 ~~described by Subsection (b), may:~~

32-32 (1) deny an application or revoke, suspend, or refuse

32-33 to renew a license, registration, endorsement, or security officer

32-34 commission;

32-35 (2) reprimand a license holder, registrant, or

32-36 commissioned security officer; or

32-37 (3) place on probation a person whose license,

32-38 registration, endorsement, or security officer commission has been

32-39 suspended.

32-40 SECTION 4B.19. Section 1702.367, Occupations Code, is

32-41 amended by amending Subsection (a) and adding Subsections (f) and

32-42 (g) to read as follows:

32-43 (a) For an investigation conducted under this chapter, if

32-44 necessary to enforce this chapter or the board's rules, the

32-45 department [commission] may issue an administrative [a] subpoena to

32-46 any person in this state compelling:

32-47 (1) the production of information or documents; or

32-48 (2) the attendance and testimony of a witness [compel

32-49 ~~the attendance of a witness or the production of a pertinent record~~

32-50 ~~or document. The hearings officer may administer oaths and require~~

32-51 ~~testimony or evidence to be given under oath].~~

32-52 (f) A person licensed or otherwise regulated under this

32-53 chapter who fails without good cause to comply with a subpoena

32-54 issued under this section may be subject to suspension of a license

32-55 under Section 1702.361.

32-56 (g) If a subpoena issued under this section relates to an

32-57 ongoing criminal investigation by the department and the department

32-58 determines that disclosure could significantly impede the

32-59 investigation, the subpoena may provide that the person to whom the

32-60 subpoena is directed may not:

32-61 (1) disclose that the subpoena has been issued;

32-62 (2) identify or describe any records requested by the

32-63 subpoena; or

32-64 (3) disclose whether records have been furnished in

32-65 response to the subpoena.

32-66 SECTION 4B.20. Subchapter P, Chapter 1702, Occupations

32-67 Code, is amended by adding Section 1702.3835 to read as follows:

32-68 Sec. 1702.3835. DECEPTIVE TRADE PRACTICE. (a) A person who

32-69 performs or offers to perform an activity regulated under this

33-1 chapter, but who is not licensed or otherwise authorized under this
33-2 chapter to perform the activity, commits a false, misleading, or
33-3 deceptive act or practice within the meaning of Section 17.46,
33-4 Business & Commerce Code.

33-5 (b) A public or private right or remedy under Chapter 17,
33-6 Business & Commerce Code, may be used to enforce this chapter.

33-7 SECTION 4B.21. Subsection (d), Section 46.03, Penal Code,
33-8 is amended to read as follows:

33-9 (d) It is a defense to prosecution under Subsection (a)(5)
33-10 that the actor possessed a firearm or club while traveling to or
33-11 from the actor's place of assignment or in the actual discharge of
33-12 duties as:

- 33-13 (1) a member of the armed forces or national guard;
- 33-14 (2) a guard employed by a penal institution; or
- 33-15 (3) a security officer commissioned by the Texas
33-16 [~~Board of Private Investigators and~~] Private Security Board
33-17 [~~Agencies~~] if:

33-18 (A) the actor is wearing a distinctive uniform;
33-19 and

33-20 (B) the firearm or club is in plain view; or
33-21 (4) [~~(5)~~] a security officer who holds a personal
33-22 protection authorization under Chapter 1702, Occupations Code,
33-23 provided that the officer is either:

33-24 (A) wearing the uniform of a security officer,
33-25 including any uniform or apparel described by Section 1702.323(d),
33-26 Occupations Code, and carrying the officer's firearm in plain view;
33-27 or

33-28 (B) not wearing the uniform of a security officer
33-29 and carrying the officer's firearm in a concealed manner [~~the~~
33-30 ~~Private Investigators and Private Security Agencies Act (Article~~
33-31 ~~4413(29bb), Vernon's Texas Civil Statutes)~~].

33-32 SECTION 4B.22. Subsection (b), Section 46.15, Penal Code,
33-33 as amended by Chapters 647 (H.B. 964), 693 (H.B. 1815), and 1048
33-34 (H.B. 2101), Acts of the 80th Legislature, Regular Session, 2007,
33-35 is reenacted and amended to read as follows:

33-36 (b) Section 46.02 does not apply to a person who:

33-37 (1) is in the actual discharge of official duties as a
33-38 member of the armed forces or state military forces as defined by
33-39 Section 431.001, Government Code, or as a guard employed by a penal
33-40 institution;

33-41 (2) is traveling;

33-42 (3) is engaging in lawful hunting, fishing, or other
33-43 sporting activity on the immediate premises where the activity is
33-44 conducted, or is en route between the premises and the actor's
33-45 residence or motor vehicle, if the weapon is a type commonly used in
33-46 the activity;

33-47 (4) holds a security officer commission issued by the
33-48 Texas Private Security Board, if the person[+]

33-49 [~~(A)~~] is engaged in the performance of the
33-50 person's duties as an officer commissioned under Chapter 1702,
33-51 Occupations Code, or is traveling to or from the person's place of
33-52 assignment[+] and

33-53 [~~(B)~~] is [~~either~~+

33-54 [~~(i)~~] wearing the officer's uniform and
33-55 carrying the officer's weapon in plain view; [~~or~~]

33-56 (5) acts [~~(ii) acting~~]
33-57 officer and carries [~~carrying~~] the person's security officer
33-58 commission and personal protection officer authorization, if the
33-59 person:

33-60 (A) is engaged in the performance of the person's
33-61 duties as a personal protection officer under Chapter 1702,
33-62 Occupations Code, or is traveling to or from the person's place of
33-63 assignment; and

33-64 (B) is either:

33-65 (i) wearing the uniform of a security
33-66 officer, including any uniform or apparel described by Section
33-67 1702.323(d), Occupations Code, and carrying the officer's weapon in
33-68 plain view; or

33-69 (ii) not wearing the uniform of a security

34-1 officer and carrying the officer's weapon in a concealed manner;
 34-2 (6) [~~(5)~~] is carrying a concealed handgun and a valid
 34-3 license issued under Subchapter H, Chapter 411, Government Code, to
 34-4 carry a concealed handgun of the same category as the handgun the
 34-5 person is carrying;

34-6 (7) [~~(6)~~] holds an alcoholic beverage permit or
 34-7 license or is an employee of a holder of an alcoholic beverage
 34-8 permit or license if the person is supervising the operation of the
 34-9 permitted or licensed premises; or

34-10 (8) [~~(7)~~] is a student in a law enforcement class
 34-11 engaging in an activity required as part of the class, if the weapon
 34-12 is a type commonly used in the activity and the person is:

34-13 (A) on the immediate premises where the activity
 34-14 is conducted; or

34-15 (B) en route between those premises and the
 34-16 person's residence and is carrying the weapon unloaded.

34-17 SECTION 4B.23. The changes in law made by this article to
 34-18 Section 1702.110 and Subsection (a), Section 1702.282, Occupations
 34-19 Code, and the change in law made by Article 4 of this Act to
 34-20 Subsection (a), Section 1702.221, Occupations Code, apply to an
 34-21 application under Chapter 1702, Occupations Code, submitted on or
 34-22 after the effective date of this article. An application submitted
 34-23 before the effective date of this article is governed by the law in
 34-24 effect on the date the application was submitted, and the former law
 34-25 is continued in effect for that purpose.

34-26 SECTION 4B.24. To the extent of any conflict, this article
 34-27 prevails over another Act of the 81st Legislature, Regular Session,
 34-28 2009, relating to nonsubstantive additions to and corrections in
 34-29 enacted codes.

34-30 SECTION 4B.25. This article takes effect September 1, 2009.

34-31 ARTICLE 5. GENERAL PROVISIONS

34-32 SECTION 5.01. Section 411.002, Government Code, is amended
 34-33 by amending Subsection (c) and adding Subsections (d) and (e) to
 34-34 read as follows:

34-35 (c) The Department of Public Safety of the State of Texas is
 34-36 subject to Chapter 325 (Texas Sunset Act). Unless continued in
 34-37 existence as provided by that chapter, the department is abolished
 34-38 and Subsections (a) and (b) expire September 1, 2021 [~~2009~~].

34-39 (d) Not later than December 1, 2010, the Sunset Advisory
 34-40 Commission shall review and prepare a written report for submission
 34-41 to the legislature on the department's implementation of:

34-42 (1) the recommendations in the 2008 audit of the
 34-43 department's information technology system; and

34-44 (2) a civilian business model for the operation of the
 34-45 driver's license division that focuses on improving customer
 34-46 service by:

34-47 (A) using best practices in call center
 34-48 technology and monitoring customer service calls;

34-49 (B) expanding operating hours at driver's
 34-50 license offices; and

34-51 (C) decreasing the time the department takes to
 34-52 send a replacement driver's license.

34-53 (e) The Sunset Advisory Commission shall submit the report
 34-54 required by Subsection (d) not later than February 15, 2011. This
 34-55 subsection and Subsection (d) expire August 31, 2011.

34-56 SECTION 5.02. Section 411.0035, Government Code, is amended
 34-57 to read as follows:

34-58 Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a)
 34-59 In this section, "Texas trade association" means a cooperative and
 34-60 voluntarily joined statewide association of business or
 34-61 professional competitors in this state designed to assist its
 34-62 members and its industry or profession in dealing with mutual
 34-63 business or professional problems and in promoting their common
 34-64 interest.

34-65 (b) A person may not be [~~serve as~~] a member of the commission
 34-66 and may not be a department employee employed in a "bona fide
 34-67 executive, administrative, or professional capacity," as that
 34-68 phrase is used for purposes of establishing an exemption to the
 34-69 overtime provisions of the federal Fair Labor Standards Act of 1938

35-1 (29 U.S.C. Section 201 et seq.), if:

35-2 (1) the person is an officer, employee, or paid
 35-3 consultant of a Texas trade association in the field of law
 35-4 enforcement or private security; or

35-5 (2) the person's spouse is an officer, manager, or paid
 35-6 consultant of a Texas trade association in the field of law
 35-7 enforcement or private security.

35-8 (c) A person may not be a member of the commission or act as
 35-9 the general counsel to the commission if the person is required to
 35-10 register as a lobbyist under Chapter 305 because of the person's
 35-11 activities for compensation on behalf of a profession related to
 35-12 the operation of the commission.

35-13 SECTION 5.03. Subchapter A, Chapter 411, Government Code,
 35-14 is amended by adding Section 411.0042 to read as follows:

35-15 Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The
 35-16 commission shall develop and implement policies that clearly
 35-17 separate the policymaking responsibilities of the commission and
 35-18 the management responsibilities of the director and the staff of
 35-19 the department.

35-20 SECTION 5.04. Subchapter A, Chapter 411, Government Code,
 35-21 is amended by adding Section 411.0043 to read as follows:

35-22 Sec. 411.0043. TECHNOLOGY POLICY. The commission shall
 35-23 implement a policy requiring the department to use appropriate
 35-24 technological solutions to improve the department's ability to
 35-25 perform its functions. The policy must ensure that the public is
 35-26 able to interact with the department on the Internet.

35-27 SECTION 5.05. Subchapter A, Chapter 411, Government Code,
 35-28 is amended by adding Section 411.0044 to read as follows:

35-29 Sec. 411.0044. NEGOTIATED RULEMAKING AND ALTERNATIVE
 35-30 DISPUTE RESOLUTION. (a) The commission shall develop and implement
 35-31 a policy to encourage the use of:

35-32 (1) negotiated rulemaking procedures under Chapter
 35-33 2008 for the adoption of department rules; and

35-34 (2) appropriate alternative dispute resolution
 35-35 procedures under Chapter 2009 to assist in the resolution of
 35-36 internal and external disputes under the department's
 35-37 jurisdiction.

35-38 (b) The department's procedures relating to alternative
 35-39 dispute resolution must conform, to the extent possible, to any
 35-40 model guidelines issued by the State Office of Administrative
 35-41 Hearings for the use of alternative dispute resolution by state
 35-42 agencies.

35-43 (c) The commission shall designate a trained person to:

35-44 (1) coordinate the implementation of the policy
 35-45 adopted under Subsection (a);

35-46 (2) serve as a resource for any training needed to
 35-47 implement the procedures for negotiated rulemaking or alternative
 35-48 dispute resolution; and

35-49 (3) collect data concerning the effectiveness of those
 35-50 procedures, as implemented by the department.

35-51 SECTION 5.06. Section 411.015(b), Government Code, is
 35-52 amended to read as follows:

35-53 (b) [~~The number of divisions may not exceed the number of~~
 35-54 ~~divisions existing on August 22, 1957.] The division relating to~~
 35-55 the Texas Rangers may not be abolished.

35-56 SECTION 5.07. Sections 411.0195(a), (b), and (c),
 35-57 Government Code, are amended to read as follows:

35-58 (a) The department shall maintain a system to promptly and
 35-59 efficiently act on [~~prepare information of public interest~~
 35-60 ~~describing the functions of the department and the department's~~
 35-61 ~~procedures by which] complaints [are] filed with [and resolved by]~~
 35-62 the department. The department shall maintain [make the]
 35-63 information about parties to the complaint, the subject matter of
 35-64 the complaint, a summary of the results of the review or
 35-65 investigation of the complaint, and its disposition [available to
 35-66 the public and appropriate state agencies].

35-67 (b) The department shall make information available
 35-68 describing its procedures for complaint investigation and
 35-69 resolution [director by rule shall establish methods by which

36-1 ~~consumers and service recipients are notified of the name, mailing~~
36-2 ~~address, and telephone number of the department for the purpose of~~
36-3 ~~directing complaints to the department].~~

36-4 (c) The department shall periodically notify the complaint
36-5 parties of the status of the complaint until final disposition
36-6 ~~[maintain a file on each written complaint filed with the~~
36-7 ~~department. The file must include:~~

36-8 ~~[(1) the name of the person who filed the complaint;~~

36-9 ~~[(2) the date the complaint is received by the~~
36-10 ~~department;~~

36-11 ~~[(3) the subject matter of the complaint;~~

36-12 ~~[(4) the name of each person contacted in relation to~~
36-13 ~~the complaint;~~

36-14 ~~[(5) a summary of the results of the review or~~
36-15 ~~investigation of the complaint; and~~

36-16 ~~[(6) an explanation of the reason the file was closed,~~
36-17 ~~if the agency closed the file without taking action other than to~~
36-18 ~~investigate the complaint].~~

36-19 SECTION 5.08. Section 411.188, Government Code, is amended
36-20 by adding Subsection (j) to read as follows:

36-21 (j) The department may offer online, or allow a qualified
36-22 handgun instructor to offer online, the continuing education
36-23 instruction course and written section of the proficiency
36-24 examination required to renew a license.

36-25 SECTION 5.09. The heading to Section 411.244, Government
36-26 Code, is amended to read as follows:

36-27 Sec. 411.244. OFFICE OF INSPECTOR GENERAL ~~[INTERNAL~~
36-28 ~~AFFAIRS]~~.

36-29 SECTION 5.10. Section 411.244, Government Code, is amended
36-30 by amending Subsections (a), (b), (d), (e), and (f) and adding
36-31 Subsection (g) to read as follows:

36-32 (a) The commission [director] shall establish the office of
36-33 inspector general, which is responsible for:

36-34 (1) acting to prevent and detect criminal conduct
36-35 within the department; and

36-36 (2) independently and objectively investigating:

36-37 (A) criminal activity occurring in all divisions
36-38 of the department;

36-39 (B) allegations of wrongdoing by department
36-40 employees;

36-41 (C) crimes committed on department property; and

36-42 (D) serious breaches of department policy
36-43 ~~[internal affairs].~~

36-44 (b) The office of inspector general [internal affairs] has
36-45 original departmental jurisdiction over all investigations
36-46 occurring on department property or involving department
36-47 employees. The office shall coordinate, but need not conduct, all
36-48 investigations under this section.

36-49 (d) The commission has direct oversight over the office of
36-50 inspector general, including decisions regarding budget and
36-51 staffing. The commission [director] shall appoint the inspector
36-52 general [head of the office of internal affairs]. The inspector
36-53 general [head of the office of internal affairs] serves until
36-54 removed by the commission [director]. The commission shall
36-55 establish policies to ensure that the commission continues to
36-56 oversee the office of inspector general as required by this
36-57 subsection and to ensure that the office of inspector general
36-58 retains and exercises its original jurisdiction under Subsection
36-59 (b).

36-60 (e) The inspector general [head of the office of internal
36-61 affairs] shall report directly to the commission [director]
36-62 regarding performance of and activities related to investigations,
36-63 report to the director for administrative purposes, and provide the
36-64 director with information regarding investigations as appropriate.

36-65 (f) The inspector general [head of the office of internal
36-66 affairs] shall present at each regularly scheduled commission
36-67 meeting and at other appropriate times:

36-68 (1) reports of investigations; and

36-69 (2) a summary of information relating to

37-1 investigations conducted under this section that includes analysis
37-2 of the number, type, and outcome of investigations, trends in the
37-3 investigations, and recommendations to avoid future complaints.

37-4 (g) This chapter or other law related to the operation of
37-5 the department's office of inspector general does not preempt the
37-6 authority of the state auditor to conduct an audit or investigation
37-7 under Chapter 321 or other law.

37-8 SECTION 5.11. Sections 411.0195(d) and (e), Government
37-9 Code, are repealed.

37-10 SECTION 5.12. The changes in law made by this article by the
37-11 amendment of Section 411.0035, Government Code, apply only to a
37-12 person first appointed to the Public Safety Commission or employed
37-13 by the Department of Public Safety of the State of Texas on or after
37-14 the effective date of this Act. A person first appointed or
37-15 employed before the effective date of this Act is governed by the
37-16 law in effect immediately before that date, and the former law is
37-17 continued in effect for that purpose.

37-18 SECTION 5.13. The changes in law made by this article by the
37-19 amendment of Section 411.0195, Government Code, apply only to a
37-20 complaint filed on or after the effective date of this Act. A
37-21 complaint filed before the effective date of this Act is governed by
37-22 the law in effect when the complaint was filed, and the former law
37-23 is continued in effect for that purpose.

37-24 ARTICLE 6. PERSONNEL RECORDS

37-25 SECTION 6.01. Section 411.00755(b), Government Code, is
37-26 amended to read as follows:

37-27 (b) The [~~Notwithstanding Chapter 552, the~~] personnel
37-28 records of a commissioned officer of the department may not be
37-29 disclosed or otherwise made available to the public, except the
37-30 department shall release in accordance with Chapter 552:

37-31 (1) any letter, memorandum, or document relating to:

37-32 (A) a commendation, congratulation, or honor
37-33 bestowed on the officer for an action, duty, or activity that
37-34 relates to the officer's official duties; and

37-35 (B) misconduct by the officer, if the letter,
37-36 memorandum, or document resulted in disciplinary action;

37-37 (2) the state application for employment submitted by
37-38 the officer, but not including any attachments to the application;

37-39 (3) any reference letter submitted by the officer;

37-40 (4) any letter of recommendation for the officer;

37-41 (5) any employment contract with the officer;

37-42 (6) any periodic evaluation of the officer by a
37-43 supervisor;

37-44 (7) any document recording a promotion or demotion of
37-45 the officer;

37-46 (8) any request for leave by the officer;

37-47 (9) any request by the officer for transfers of shift
37-48 or duty assignments;

37-49 (10) any documents presented to the commission in
37-50 connection with a public hearing under Section 411.007(f);

37-51 (11) the officer's:

37-52 (A) name;

37-53 (B) age;

37-54 (C) dates of employment;

37-55 (D) positions held; and

37-56 (E) gross salary; and

37-57 (12) information about the location of the officer's
37-58 department duty assignments.

37-59 ARTICLE 7. TEXAS RANGERS' UNSOLVED CRIMES INVESTIGATION TEAM

37-60 SECTION 7.01. The heading to Subchapter J, Chapter 411,
37-61 Government Code, is amended to read as follows:

37-62 SUBCHAPTER J. UNSOLVED CRIMES INVESTIGATION PROGRAM [~~TEAM~~]

37-63 SECTION 7.02. Section 411.262, Government Code, is amended
37-64 to read as follows:

37-65 Sec. 411.262. UNSOLVED CRIMES INVESTIGATION PROGRAM
37-66 [~~TEAM~~]. (a) The unsolved crimes investigation program [~~team~~] is

37-67 an investigative program [~~investigatory unit~~] within the
37-68 department.

37-69 (b) The program is a function [~~team will be located at the~~]

38-1 ~~headquarters]~~ of the Texas Rangers [~~in Austin, Texas,~~] and will be
38-2 commanded by the chief of the Texas Rangers.

38-3 (c) The director may employ commissioned peace officers and
38-4 noncommissioned employees to perform duties required of the program
38-5 [~~team~~].

38-6 (d) To be eligible for employment under this section, a
38-7 peace officer must be a sergeant or higher-ranked officer of the
38-8 Texas Rangers and must have [~~not less than four years of experience~~
38-9 ~~as a peace officer and:~~

38-10 [~~(1) a degree from an accredited institution of higher~~
38-11 ~~education in law, accounting, or computer science; or~~

38-12 [~~(2)~~] two or more years of experience in the
38-13 investigation of homicides or other major felonies.

38-14 (e) To be eligible for employment under this section, a
38-15 noncommissioned employee must meet the experience, training, and
38-16 educational qualifications set by the director as requirements for
38-17 investigating or assisting in the investigation of an unsolved
38-18 crime.

38-19 SECTION 7.03. Section 411.263, Government Code, is amended
38-20 to read as follows:

38-21 Sec. 411.263. ASSISTANCE ON REQUEST. On the request of an
38-22 attorney representing the state and with the approval of the
38-23 director, employees of the unsolved crimes investigation program
38-24 [~~team~~] of the department may assist local law enforcement in the
38-25 investigation of crime.

38-26 SECTION 7.04. This article takes effect immediately if this
38-27 Act receives a vote of two-thirds of all the members elected to each
38-28 house, as provided by Section 39, Article III, Texas Constitution.
38-29 If this Act does not receive the vote necessary for immediate
38-30 effect, this article takes effect September 1, 2009.

38-31 ARTICLE 8. DISSEMINATION OF EMERGENCY PUBLIC SERVICE MESSAGES

38-32 SECTION 8.01. Section 418.047, Government Code, is amended
38-33 by adding Subsection (a-1) to read as follows:

38-34 (a-1) The division shall coordinate with the Texas
38-35 Department of Transportation to establish additional methods for
38-36 disseminating emergency public service messages to motorists,
38-37 including:

- 38-38 (1) severe weather advisories;
- 38-39 (2) AMBER alerts under Subchapter L, Chapter 411;
- 38-40 (3) silver alerts under Subchapter M, Chapter 411; and
- 38-41 (4) information regarding the availability of fuel,
38-42 food, lodging, and pharmacy services during an evacuation order
38-43 under this chapter or a disaster declared under this chapter.

38-44 ARTICLE 9. AUTHORITY OF DEPARTMENT TO OBTAIN AND USE CRIMINAL
38-45 HISTORY RECORD INFORMATION FOR CERTAIN DEPARTMENTAL AUTHORIZATIONS

38-46 SECTION 9.01. Subchapter F, Chapter 411, Government Code,
38-47 is amended by adding Section 411.0891 to read as follows:

38-48 Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD
38-49 INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Subject to
38-50 Section 411.087, the department is authorized to obtain and use
38-51 criminal history record information maintained by the Federal
38-52 Bureau of Investigation or the department that relates to a person
38-53 who:

- 38-54 (1) is an applicant for or holds a registration issued
38-55 by the director under Subchapter C, Chapter 481, Health and Safety
38-56 Code, that authorizes the person to manufacture, distribute,
38-57 analyze, or conduct research with a controlled substance;
- 38-58 (2) is an applicant for or holds a chemical precursor
38-59 transfer permit issued by the director under Section 481.078,
38-60 Health and Safety Code;
- 38-61 (3) is an applicant for or holds a chemical laboratory
38-62 apparatus transfer permit issued by the director under Section
38-63 481.081, Health and Safety Code;
- 38-64 (4) is an applicant for certification by the
38-65 department as an inspection station or an inspector under
38-66 Subchapter G, Chapter 548, Transportation Code, holds an inspection
38-67 station or inspector certificate issued under that subchapter, or
38-68 is the owner of an inspection station operating under that chapter;
38-69 or

39-1 (5) is an applicant for approval or has been approved
39-2 as a program sponsor by the department under Chapter 662,
39-3 Transportation Code, is an applicant for certification by the
39-4 department as an instructor under that chapter, or holds an
39-5 instructor certificate issued under that chapter.

39-6 (b) The department may release or disclose criminal history
39-7 record information obtained or used by the department for a purpose
39-8 described by Subsection (a) to another person or agency only:

- 39-9 (1) in a criminal proceeding;
- 39-10 (2) in a hearing conducted by the department;
- 39-11 (3) under an order from a court; or
- 39-12 (4) with the consent of the person who is the subject
39-13 of the criminal history record information.

39-14 (c) This section may not be construed to limit the authority
39-15 of the department to disseminate criminal history record
39-16 information as provided by Section 411.083.

39-17 SECTION 9.02. This article takes effect immediately if this
39-18 Act receives a vote of two-thirds of all the members elected to each
39-19 house, as provided by Section 39, Article III, Texas Constitution.
39-20 If this Act does not receive the vote necessary for immediate
39-21 effect, this article takes effect September 1, 2009.

39-22 ARTICLE 10. COLLECTION, MAINTENANCE, AND TRANSFER AND OTHER
39-23 DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION AND JUVENILE
39-24 JUSTICE INFORMATION

39-25 SECTION 10.01. Section 411.042(b), Government Code, as
39-26 amended by Chapters 70 (H.B. 76), 1306 (S.B. 839), and 1372 (S.B.
39-27 9), Acts of the 80th Legislature, Regular Session, 2007, is
39-28 reenacted and amended to read as follows:

39-29 (b) The bureau of identification and records shall:

39-30 (1) procure and file for record photographs, pictures,
39-31 descriptions, fingerprints, measurements, and other pertinent
39-32 information of all persons arrested for or charged with a criminal
39-33 offense or convicted of a criminal offense, regardless of whether
39-34 the conviction is probated;

39-35 (2) collect information concerning the number and
39-36 nature of offenses reported or known to have been committed in the
39-37 state and the legal steps taken in connection with the offenses, and
39-38 other information useful in the study of crime and the
39-39 administration of justice, including information that enables the
39-40 bureau to create a statistical breakdown of offenses in which
39-41 family violence was involved and a statistical breakdown of
39-42 offenses under Sections 22.011 and 22.021, Penal Code;

39-43 (3) make ballistic tests of bullets and firearms and
39-44 chemical analyses of bloodstains, cloth, materials, and other
39-45 substances for law enforcement officers of the state;

39-46 (4) cooperate with identification and crime records
39-47 bureaus in other states and the United States Department of
39-48 Justice;

39-49 (5) maintain a list of all previous background checks
39-50 for applicants for any position regulated under Chapter 1702,
39-51 Occupations Code, who have undergone a criminal history background
39-52 check under Section 411.119, if the check indicates a Class B
39-53 misdemeanor or equivalent offense or a greater offense;

39-54 (6) collect information concerning the number and
39-55 nature of protective orders and all other pertinent information
39-56 about all persons on active protective orders. Information in the
39-57 law enforcement information system relating to an active protective
39-58 order shall include:

39-59 (A) the name, sex, race, date of birth, personal
39-60 descriptors, address, and county of residence of the person to whom
39-61 the order is directed;

39-62 (B) any known identifying number of the person to
39-63 whom the order is directed, including the person's social security
39-64 number or driver's license number;

39-65 (C) the name and county of residence of the
39-66 person protected by the order;

39-67 (D) the residence address and place of employment
39-68 or business of the person protected by the order, unless that
39-69 information is excluded from the order under Section 85.007, Family

40-1 Code;

40-2 (E) the child-care facility or school where a

40-3 child protected by the order normally resides or which the child

40-4 normally attends, unless that information is excluded from the

40-5 order under Section 85.007, Family Code;

40-6 (F) the relationship or former relationship

40-7 between the person who is protected by the order and the person to

40-8 whom the order is directed; and

40-9 (G) the date the order expires; ~~and~~

40-10 (7) grant access to criminal history record

40-11 information in the manner authorized under Subchapter F;

40-12 (8) ~~(7)~~ collect and disseminate information

40-13 regarding offenders with mental impairments in compliance with

40-14 Chapter 614, Health and Safety Code; and

40-15 (9) record data and maintain a state database for a

40-16 computerized criminal history record system and computerized

40-17 juvenile justice information system that serves:

40-18 (A) as the record creation point for criminal

40-19 history record information and juvenile justice information

40-20 maintained by the state; and

40-21 (B) as the control terminal for the entry of

40-22 records, in accordance with federal law and regulations, federal

40-23 executive orders, and federal policy, into the federal database

40-24 maintained by the Federal Bureau of Investigation.

40-25 SECTION 10.02. Section 411.083(b), Government Code, is

40-26 amended to read as follows:

40-27 (b) The department shall grant access to criminal history

40-28 record information to:

40-29 (1) criminal justice agencies;

40-30 (2) noncriminal justice agencies authorized by

40-31 federal statute or executive order or by state statute to receive

40-32 criminal history record information;

40-33 (3) the person who is the subject of the criminal

40-34 history record information;

40-35 (4) a person working on a research or statistical

40-36 project that:

40-37 (A) is funded in whole or in part by state funds;

40-38 or

40-39 (B) meets the requirements of Part 22, Title 28,

40-40 Code of Federal Regulations, and is approved by the department;

40-41 (5) an individual or an agency that has a specific

40-42 agreement with a criminal justice agency to provide services

40-43 required for the administration of criminal justice under that

40-44 agreement, if the agreement:

40-45 (A) specifically authorizes access to

40-46 information;

40-47 (B) limits the use of information to the purposes

40-48 for which it is given;

40-49 (C) ensures the security and confidentiality of

40-50 the information; ~~and~~

40-51 (D) provides for sanctions if a requirement

40-52 imposed under Paragraph (A), (B), or (C) is violated; and

40-53 (E) requires the individual or agency to perform

40-54 the applicable services in a manner prescribed by the department;

40-55 (6) an individual or an agency that has a specific

40-56 agreement with a noncriminal justice agency to provide services

40-57 related to the use of criminal history record information

40-58 disseminated under this subchapter, if the agreement:

40-59 (A) specifically authorizes access to

40-60 information;

40-61 (B) limits the use of information to the purposes

40-62 for which it is given;

40-63 (C) ensures the security and confidentiality of

40-64 the information; ~~and~~

40-65 (D) provides for sanctions if a requirement

40-66 imposed under Paragraph (A), (B), or (C) is violated; and

40-67 (E) requires the individual or agency to perform

40-68 the applicable services in a manner prescribed by the department;

40-69 (7) a county or district clerk's office; and

41-1 (8) the Office of Court Administration of the Texas
41-2 Judicial System.

41-3 SECTION 10.03. Section 411.084(b), Government Code, is
41-4 amended to read as follows:

41-5 (b) Notwithstanding Subsection (a) or any other provision
41-6 in this subchapter, criminal history record information obtained
41-7 from the Federal Bureau of Investigation may be released or
41-8 disclosed only to a governmental entity or as authorized by federal
41-9 law and regulations [statute, federal rule], [or] federal executive
41-10 orders, and federal policy [order].

41-11 SECTION 10.04. Sections 411.0845(e), (i), and (k),
41-12 Government Code, are amended to read as follows:

41-13 (e) A person entitled to receive criminal history record
41-14 information under this section must provide the department with the
41-15 following information regarding the person who is the subject of
41-16 the criminal history record information requested:

41-17 (1) the person's full name, date of birth, sex, [~~Texas~~
41-18 ~~driver's license number or personal identification certificate~~
41-19 ~~number,~~] and social security number, and the number assigned to any
41-20 form of unexpired identification card issued by this state or
41-21 another state, the District of Columbia, or a territory of the
41-22 United States that includes the person's photograph;

41-23 (2) a recent electronic digital image photograph of
41-24 the person and a complete set of the person's fingerprints as
41-25 required by the department; and

41-26 (3) any other information required by the department.

41-27 (i) The release under this section of any criminal history
41-28 record information maintained by the Federal Bureau of
41-29 Investigation, including the computerized information submitted to
41-30 the federal database maintained by the Federal Bureau of
41-31 Investigation as described by Section 411.042(b)(9)(B), is subject
41-32 to federal law and regulations, federal executive orders, and
41-33 federal policy.

41-34 (k) A governmental agency may coordinate with the
41-35 department regarding the use of the fingerprinting fee collection
41-36 process to collect [collection of] a fee for the criminal history
41-37 record information and any other fees associated with obtaining a
41-38 person's fingerprints as required by the department [through the
41-39 fingerprinting fee collection process].

41-40 SECTION 10.05. Section 411.085(a), Government Code, is
41-41 amended to read as follows:

41-42 (a) A person commits an offense if the person knowingly or
41-43 intentionally:

41-44 (1) obtains criminal history record information in an
41-45 unauthorized manner, uses the information for an unauthorized
41-46 purpose, or discloses the information to a person who is not
41-47 entitled to the information;

41-48 [~~(2) provides a person with a copy of the person's~~
41-49 ~~criminal history record information obtained from the department,~~]
41-50 or

41-51 (2) [~~(3)~~] violates a rule of the department adopted
41-52 under this subchapter.

41-53 SECTION 10.06. Section 411.094(d), Government Code, is
41-54 amended to read as follows:

41-55 (d) Criminal history record information received by an
41-56 institution of higher education under Subsection (b) may not be
41-57 released or disclosed to any person except on court order or with
41-58 the consent of the person who is the subject of the criminal history
41-59 record information.

41-60 SECTION 10.07. Section 411.0985(c), Government Code, is
41-61 amended to read as follows:

41-62 (c) The Texas Commission for the Blind may not release or
41-63 disclose information obtained under Subsection (a) except on court
41-64 order or with the consent of the person who is the subject of the
41-65 criminal history record information.

41-66 SECTION 10.08. Section 411.1005(b), Government Code, is
41-67 amended to read as follows:

41-68 (b) Information received by the state bar is confidential
41-69 and may be disseminated only:

42-1 (1) in a disciplinary action or proceeding conducted
 42-2 by the state bar, the Board of Disciplinary Appeals, or any court;
 42-3 or

42-4 (2) with the consent of the person who is the subject
 42-5 of the criminal history record information.

42-6 SECTION 10.09. Section 411.1131(c), Government Code, is
 42-7 amended to read as follows:

42-8 (c) The Texas Commission for the Deaf and Hard of Hearing
 42-9 may not release or disclose information obtained under Subsection
 42-10 (a), except on court order or with the consent of the person who is
 42-11 the subject of the criminal history record information, and shall
 42-12 destroy all criminal history record information obtained under
 42-13 Subsection (a) after the information is used for its authorized
 42-14 purpose.

42-15 SECTION 10.10. Section 411.1182(c), Government Code, is
 42-16 amended to read as follows:

42-17 (c) Criminal history information obtained from the
 42-18 department may not be released or disclosed except:

42-19 (1) as needed in protecting the security of a
 42-20 commercial nuclear power plant;

42-21 (2) ~~or~~ as authorized by the United States Nuclear
 42-22 Regulatory Commission, a court order, or a federal or state law or
 42-23 order; or

42-24 (3) with the consent of the person who is the subject
 42-25 of the criminal history record information.

42-26 SECTION 10.11. Section 411.120(b), Government Code, is
 42-27 amended to read as follows:

42-28 (b) Criminal history record information obtained by a
 42-29 county judge under Subsection (a) may not be released or disclosed
 42-30 to any person except in a hearing held under Chapter 25 or 69,
 42-31 Alcoholic Beverage Code, or with the consent of the person who is
 42-32 the subject of the criminal history record information.

42-33 SECTION 10.12. Section 411.1236(b), Government Code, is
 42-34 amended to read as follows:

42-35 (b) Criminal history record information obtained by the
 42-36 Texas Commission on Fire Protection under Subsection (a) may not be
 42-37 released to any person or agency except on court order or with the
 42-38 consent of the person who is the subject of the criminal history
 42-39 record information, or if ~~unless~~ the information is entered into
 42-40 evidence by the board in an administrative, civil, or criminal
 42-41 hearing under Chapter 419.

42-42 SECTION 10.13. Section 411.136(e), Government Code, is
 42-43 amended to read as follows:

42-44 (e) All criminal history record information received by a
 42-45 public or nonprofit hospital or hospital district under this
 42-46 section is privileged, confidential, and intended for the exclusive
 42-47 use of the entity that obtained the information. The hospital or
 42-48 district may not release or disclose criminal history record
 42-49 information to any person or agency except in a criminal
 42-50 proceeding, in a hearing conducted by the hospital or district, to
 42-51 another governmental entity as required by law, ~~or~~ as required by
 42-52 court order, or with the consent of the person who is the subject of
 42-53 the criminal history record information.

42-54 SECTION 10.14. Section 411.139(b), Government Code, is
 42-55 amended to read as follows:

42-56 (b) Criminal history record information obtained by the
 42-57 securities commissioner under this section may not be released by
 42-58 any person or agency except on court order or with the consent of
 42-59 the person who is the subject of the criminal history record
 42-60 information, unless the information is entered into evidence by the
 42-61 State Securities Board or a court at an administrative proceeding
 42-62 or a civil or criminal action under The Securities Act (Article
 42-63 581-1 et seq., Vernon's Texas Civil Statutes).

42-64 SECTION 10.15. Section 411.140(b), Government Code, is
 42-65 amended to read as follows:

42-66 (b) Information received by the State Commission on
 42-67 Judicial Conduct is confidential and may be disseminated only in an
 42-68 investigation or proceeding conducted by the commission or with the
 42-69 consent of the person who is the subject of the criminal history

43-1 record information.

43-2 SECTION 10.16. Section 411.1402(c), Government Code, is
 43-3 amended to read as follows:

43-4 (c) The Employees Retirement System of Texas may not release
 43-5 or disclose information obtained under Subsection (a) except on
 43-6 court order or with the consent of the person who is the subject of
 43-7 the criminal history record information.

43-8 SECTION 10.17. Section 411.1406(d), Government Code, as
 43-9 added by Chapter 406 (S.B. 885), Acts of the 80th Legislature,
 43-10 Regular Session, 2007, is amended to read as follows:

43-11 (d) The court may not release or disclose information
 43-12 obtained under Subsection (b) except on order of a district court or
 43-13 with the consent of the person who is the subject of the criminal
 43-14 history record information.

43-15 SECTION 10.18. To the extent of any conflict, this article
 43-16 prevails over another Act of the 81st Legislature, Regular Session,
 43-17 2009, relating to nonsubstantive additions to and corrections in
 43-18 enacted codes.

43-19 SECTION 10.19. This article takes effect immediately if
 43-20 this Act receives a vote of two-thirds of all the members elected to
 43-21 each house, as provided by Section 39, Article III, Texas
 43-22 Constitution. If this Act does not receive the vote necessary for
 43-23 immediate effect, this article takes effect September 1, 2009.

43-24 ARTICLE 11. ADMINISTRATION OF CERTAIN PROVISIONS AFFECTING THE
 43-25 LICENSING OF PERSONS TO CARRY A CONCEALED HANDGUN

43-26 SECTION 11.01. Section 411.1711, Government Code, is
 43-27 amended to read as follows:

43-28 Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A
 43-29 person is not convicted, as that term is defined by Section 411.171,
 43-30 if an order of deferred adjudication was entered against the person
 43-31 on a date not less than 10 years preceding the date of the person's
 43-32 application for a license under this subchapter unless the order of
 43-33 deferred adjudication was entered against the person for:

- 43-34 (1) an offense under:
 - 43-35 (A) Title 5, Penal Code;
 - 43-36 (B) [~~7~~, ~~or~~] Chapter 25 or 29, Penal Code; or
 - 43-37 (C) Section 30.02, 38.112, 38.17, 42.072,
 - 43-38 42.091, 42.10, 43.04, 43.05, 43.24(b)(3), 43.25, 43.26, 49.07, or
 - 43-39 49.08, Penal Code; or

43-40 (2) an offense under the laws of another state if the
 43-41 offense contains elements that are substantially similar to the
 43-42 elements of an offense listed in Subdivision (1).

43-43 SECTION 11.02. Sections 411.172(a), (d), and (e),
 43-44 Government Code, are amended to read as follows:

43-45 (a) A person is eligible for a license to carry a concealed
 43-46 handgun if the person:

- 43-47 (1) is a legal resident of this state for the six-month
 43-48 period preceding the date of application under this subchapter or
 43-49 is otherwise eligible for a license under Section 411.173(a);
- 43-50 (2) is at least 21 years of age;
- 43-51 (3) has not been convicted of a felony;
- 43-52 (4) is not charged with the commission of a Class A or
 43-53 Class B misdemeanor or equivalent offense, or of an offense under
 43-54 Section 42.01, Penal Code, or equivalent offense, or of a felony
 43-55 under an information or indictment;
- 43-56 (5) is not a fugitive from justice for a felony or a
 43-57 Class A or Class B misdemeanor or equivalent offense;
- 43-58 (6) is not a chemically dependent person;
- 43-59 (7) is not incapable of exercising sound judgment with
 43-60 respect to the proper use and storage of a handgun;
- 43-61 (8) has not, in the five years preceding the date of
 43-62 application, been convicted of a Class A or Class B misdemeanor or
 43-63 equivalent offense or of an offense under Section 42.01, Penal
 43-64 Code, or equivalent offense;
- 43-65 (9) is fully qualified under applicable federal and
 43-66 state law to purchase a handgun;
- 43-67 (10) has not been finally determined to be delinquent
 43-68 in making a child support payment administered or collected by the
 43-69 attorney general;

44-1 (11) has not been finally determined to be delinquent
44-2 in the payment of a tax or other money collected by the comptroller,
44-3 the tax collector of a political subdivision of the state, or any
44-4 agency or subdivision of the state;

44-5 (12) has not been finally determined to be in default
44-6 on a loan made under Chapter 57, Education Code;

44-7 (13) is not currently restricted under a court
44-8 protective order or subject to a restraining order affecting the
44-9 spousal relationship, other than a restraining order solely
44-10 affecting property interests;

44-11 (14) has not, in the 10 years preceding the date of
44-12 application, been adjudicated as having engaged in delinquent
44-13 conduct violating a penal law of the grade of felony; and

44-14 (15) has not made any material misrepresentation, or
44-15 failed to disclose any material fact, in an application submitted
44-16 pursuant to Section 411.174 [~~or in a request for application~~
44-17 ~~submitted pursuant to Section 411.175~~].

44-18 (d) For purposes of Subsection (a)(7), a person is incapable
44-19 of exercising sound judgment with respect to the proper use and
44-20 storage of a handgun if the person:

44-21 (1) has been diagnosed by a licensed physician as
44-22 suffering from a psychiatric disorder or condition that causes or
44-23 is likely to cause substantial impairment in judgment, mood,
44-24 perception, impulse control, or intellectual ability;

44-25 (2) suffers from a psychiatric disorder or condition
44-26 described by Subdivision (1) that:

44-27 (A) is in remission but is reasonably likely to
44-28 redevelop at a future time; or

44-29 (B) requires continuous medical treatment to
44-30 avoid redevelopment;

44-31 (3) has been diagnosed by a licensed physician,
44-32 determined by a review board or similar authority, or declared by a
44-33 court to be incompetent to manage the person's own affairs; or

44-34 (4) has entered in a criminal proceeding a plea of not
44-35 guilty by reason of insanity.

44-36 (e) The following constitutes evidence that a person has a
44-37 psychiatric disorder or condition described by Subsection (d)(1):

44-38 (1) involuntary psychiatric hospitalization [~~in the~~
44-39 ~~preceding five-year period~~];

44-40 (2) psychiatric hospitalization [~~in the preceding~~
44-41 ~~two-year period~~];

44-42 (3) inpatient or residential substance abuse
44-43 treatment in the preceding five-year period;

44-44 (4) diagnosis in the preceding five-year period by a
44-45 licensed physician that the person is dependent on alcohol, a
44-46 controlled substance, or a similar substance; or

44-47 (5) diagnosis at any time by a licensed physician that
44-48 the person suffers or has suffered from a psychiatric disorder or
44-49 condition consisting of or relating to:

44-50 (A) schizophrenia or delusional disorder;

44-51 (B) bipolar disorder;

44-52 (C) chronic dementia, whether caused by illness,
44-53 brain defect, or brain injury;

44-54 (D) dissociative identity disorder;

44-55 (E) intermittent explosive disorder; or

44-56 (F) antisocial personality disorder.

44-57 SECTION 11.03. Sections 411.174(a) and (b), Government
44-58 Code, are amended to read as follows:

44-59 (a) An applicant for a license to carry a concealed handgun
44-60 must submit to the director's designee described by Section
44-61 411.176:

44-62 (1) a completed application on a form provided by the
44-63 department that requires only the information listed in Subsection
44-64 (b);

44-65 (2) one or more [~~two recent color passport~~
44-66 ~~photographs of the applicant that meet the requirements of the~~
44-67 ~~department~~ [~~, except that an applicant who is younger than 21 years~~
44-68 ~~of age must submit two recent color passport photographs in profile~~
44-69 ~~of the applicant~~];

45-1 (3) a certified copy of the applicant's birth
45-2 certificate or certified proof of age;
45-3 (4) proof of residency in this state;
45-4 (5) two complete sets of legible and classifiable
45-5 fingerprints of the applicant taken by a person appropriately
45-6 trained in recording fingerprints who is employed by a law
45-7 enforcement agency or by a private entity designated by a law
45-8 enforcement agency as an entity qualified to take fingerprints of
45-9 an applicant for a license under this subchapter;
45-10 (6) a nonrefundable application and license fee of
45-11 \$140 paid to the department;
45-12 (7) evidence of [a] handgun proficiency, in the form
45-13 and manner required by the department [~~certificate described by~~
45-14 ~~Section 411.189~~];
45-15 (8) an affidavit signed by the applicant stating that
45-16 the applicant:
45-17 (A) has read and understands each provision of
45-18 this subchapter that creates an offense under the laws of this state
45-19 and each provision of the laws of this state related to use of
45-20 deadly force; and
45-21 (B) fulfills all the eligibility requirements
45-22 listed under Section 411.172; and
45-23 (9) a form executed by the applicant that authorizes
45-24 the director to make an inquiry into any noncriminal history
45-25 records that are necessary to determine the applicant's eligibility
45-26 for a license under Section 411.172(a).
45-27 (b) An applicant must provide on the application a statement
45-28 of the applicant's:
45-29 (1) full name and place and date of birth;
45-30 (2) race and sex;
45-31 (3) residence and business addresses for the preceding
45-32 five years;
45-33 (4) hair and eye color;
45-34 (5) height and weight;
45-35 (6) driver's license number or identification
45-36 certificate number issued by the department;
45-37 (7) criminal history record information of the type
45-38 maintained by the department under this chapter, including a list
45-39 of offenses for which the applicant was arrested, charged, or under
45-40 an information or indictment and the disposition of the offenses;
45-41 and
45-42 (8) history [~~during the preceding five years~~], if any,
45-43 of treatment received by, commitment to, or residence in:
45-44 (A) a drug or alcohol treatment center licensed
45-45 to provide drug or alcohol treatment under the laws of this state or
45-46 another state, but only if the treatment, commitment, or residence
45-47 occurred during the preceding five years; or
45-48 (B) a psychiatric hospital.
45-49 SECTION 11.04. Section 411.176, Government Code, is amended
45-50 to read as follows:
45-51 Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) On
45-52 receipt of [~~the~~] application materials by the department at its
45-53 Austin headquarters, the department shall conduct the appropriate
45-54 criminal history record check of the applicant through its
45-55 computerized criminal history system. Not later than the 30th day
45-56 after the date the department receives the application materials,
45-57 the department shall forward the materials to the director's
45-58 designee in the geographical area of the applicant's residence so
45-59 that the designee may conduct the investigation described by
45-60 Subsection (b). For purposes of this section, the director's
45-61 designee may be a noncommissioned employee of the department.
45-62 (b) The director's designee as needed shall conduct an
45-63 additional criminal history record check of the applicant and an
45-64 investigation of the applicant's local official records to verify
45-65 the accuracy of the application materials. The director's designee
45-66 may access any records necessary for purposes of this subsection.
45-67 The scope of the record check and the investigation are at the sole
45-68 discretion of the department, except that the director's designee
45-69 shall complete the record check and investigation not later than

46-1 the 60th day after the date the department receives the application
 46-2 materials. The department shall send a fingerprint card to the
 46-3 Federal Bureau of Investigation for a national criminal history
 46-4 check of the applicant. On completion of the investigation, the
 46-5 director's designee shall return all materials and the result of
 46-6 the investigation to the appropriate division of the department at
 46-7 its Austin headquarters.

46-8 (c) The director's designee may submit to the appropriate
 46-9 division of the department, at the department's Austin
 46-10 headquarters, along with the application materials a written
 46-11 recommendation for disapproval of the application, accompanied by
 46-12 an affidavit stating personal knowledge or naming persons with
 46-13 personal knowledge of a ground for denial under Section 411.172.
 46-14 The director's designee [~~in the appropriate geographical area~~] may
 46-15 also submit the application and the recommendation that the license
 46-16 be issued.

46-17 (d) On receipt at the department's Austin headquarters of
 46-18 the application materials and the result of the investigation by
 46-19 the director's designee, the department shall conduct any further
 46-20 record check or investigation the department determines is
 46-21 necessary if a question exists with respect to the accuracy of the
 46-22 application materials or the eligibility of the applicant, except
 46-23 that the department shall complete the record check and
 46-24 investigation not later than the 180th day after the date the
 46-25 department receives the application materials from the applicant.

46-26 SECTION 11.05. Sections 411.177(a) and (b), Government
 46-27 Code, are amended to read as follows:

46-28 (a) The department shall issue a license to carry a
 46-29 concealed handgun to an applicant if the applicant meets all the
 46-30 eligibility requirements and submits all the application
 46-31 materials. The department may issue a license to carry handguns
 46-32 only of the categories for which the applicant has demonstrated
 46-33 proficiency in the form and manner required by the department
 46-34 [indicated on the applicant's certificate of proficiency issued
 46-35 under Section 411.189]. The department shall administer the
 46-36 licensing procedures in good faith so that any applicant who meets
 46-37 all the eligibility requirements and submits all the application
 46-38 materials shall receive a license. The department may not deny an
 46-39 application on the basis of a capricious or arbitrary decision by
 46-40 the department.

46-41 (b) The department shall, not later than the 60th day after
 46-42 the date of the receipt by the director's designee of the completed
 46-43 application materials:

46-44 (1) issue the license;

46-45 (2) notify the applicant in writing that the
 46-46 application was denied:

46-47 (A) on the grounds that the applicant failed to
 46-48 qualify under the criteria listed in Section 411.172;

46-49 (B) based on the affidavit of the director's
 46-50 designee submitted to the department under Section 411.176(c)
 46-51 [~~411.176(b)~~]; or

46-52 (C) based on the affidavit of the qualified
 46-53 handgun instructor submitted to the department under Section
 46-54 411.188(j) [~~411.189(c)~~]; or

46-55 (3) notify the applicant in writing that the
 46-56 department is unable to make a determination regarding the issuance
 46-57 or denial of a license to the applicant within the 60-day period
 46-58 prescribed by this subsection and include in that notification an
 46-59 explanation of the reason for the inability and an estimation of the
 46-60 amount of time the department will need to make the determination.

46-61 SECTION 11.06. Section 411.184(a), Government Code, is
 46-62 amended to read as follows:

46-63 (a) To modify a license to allow a license holder to carry a
 46-64 handgun of a different category than the license indicates, the
 46-65 license holder must:

46-66 (1) complete a proficiency examination as provided by
 46-67 Section 411.188(e);

46-68 [~~(2) obtain a handgun proficiency certificate under~~
 46-69 ~~Section 411.189 not more than six months before the date of~~

47-1 ~~application for a modified license,] and~~

47-2 (2) ~~[(3)]~~ submit to the department:

47-3 (A) an application for a modified license on a
47-4 form provided by the department;

47-5 (B) evidence of [a copy of the] handgun
47-6 proficiency, in the form and manner required by the department
47-7 [certificate];

47-8 (C) payment of a modified license fee of \$25; and

47-9 (D) one or more [two recent color passport]
47-10 photographs of the license holder that meet the requirements of the
47-11 department [except that an applicant who is younger than 21 years
47-12 of age must submit two recent color passport photographs in profile
47-13 of the applicant].

47-14 SECTION 11.07. Section 411.185(a), Government Code, is
47-15 amended to read as follows:

47-16 (a) To renew a license, a license holder must:

47-17 (1) complete a continuing education course in handgun
47-18 proficiency under Section 411.188(c) within the six-month period
47-19 preceding:

47-20 (A) the date of application for renewal, for a
47-21 first or second renewal; and

47-22 (B) the date of application for renewal or the
47-23 date of application for the preceding renewal, for a third or
47-24 subsequent renewal, to ensure that the license holder is not
47-25 required to complete the course more than once in any 10-year
47-26 period;

47-27 ~~[(2) obtain a handgun proficiency certificate under~~
47-28 ~~Section 411.189 within the six-month period preceding:~~

47-29 ~~[(A) the date of application for renewal, for a~~
47-30 ~~first or second renewal; and~~

47-31 ~~[(B) the date of application for renewal or the~~
47-32 ~~date of application for the preceding renewal, for a third or~~
47-33 ~~subsequent renewal, to ensure that the license holder is not~~
47-34 ~~required to obtain the certificate more than once in any 10-year~~
47-35 ~~period,] and~~

47-36 (2) ~~[(3)]~~ submit to the department:

47-37 (A) an application for renewal on a form provided
47-38 by the department;

47-39 (B) evidence of [a copy of the] handgun
47-40 proficiency, in the form and manner required by the department
47-41 [certificate];

47-42 (C) payment of a nonrefundable renewal fee as set
47-43 by the department; and

47-44 (D) one or more [two recent color passport]
47-45 photographs of the applicant that meet the requirements of the
47-46 department.

47-47 SECTION 11.08. Section 411.186(a), Government Code, is
47-48 amended to read as follows:

47-49 (a) The department shall revoke a [A] license [may be
47-50 revoked] under this section if the license holder:

47-51 (1) was not entitled to the license at the time it was
47-52 issued;

47-53 (2) gave false information on the application;

47-54 (3) subsequently becomes ineligible for a license
47-55 under Section 411.172, unless the sole basis for the ineligibility
47-56 is that the license holder is charged with the commission of a Class
47-57 A or Class B misdemeanor or equivalent offense, or of an offense
47-58 under Section 42.01, Penal Code, or equivalent offense, or of a
47-59 felony under an information or indictment;

47-60 (4) is convicted of an offense under Section 46.035,
47-61 Penal Code;

47-62 (5) is determined by the department to have engaged in
47-63 conduct constituting a reason to suspend a license listed in
47-64 Section 411.187(a) after the person's license has been previously
47-65 suspended twice for the same reason; or

47-66 (6) submits an application fee that is dishonored or
47-67 reversed.

47-68 SECTION 11.09. Sections 411.187(a) and (c), Government
47-69 Code, are amended to read as follows:

48-1 (a) The department shall suspend a [A] license ~~[may be~~
48-2 ~~suspended]~~ under this section if the license holder:

48-3 (1) is charged with the commission of a Class A or
48-4 Class B misdemeanor or equivalent offense, or of an offense under
48-5 Section 42.01, Penal Code, or equivalent offense, or of a felony
48-6 under an information or indictment;

48-7 (2) fails to display a license as required by Section
48-8 411.205;

48-9 (3) fails to notify the department of a change of
48-10 address or name as required by Section 411.181;

48-11 (4) carries a concealed handgun under the authority of
48-12 this subchapter of a different category than the license holder is
48-13 licensed to carry;

48-14 (5) fails to return a previously issued license after
48-15 a license is modified as required by Section 411.184(d);

48-16 (6) commits an act of family violence and is the
48-17 subject of an active protective order rendered under Title 4,
48-18 Family Code; or

48-19 (7) is arrested for an offense involving family
48-20 violence or an offense under Section 42.072, Penal Code, and is the
48-21 subject of an order for emergency protection issued under Article
48-22 17.292, Code of Criminal Procedure.

48-23 (c) The department shall suspend a [A] license ~~[may be~~
48-24 ~~suspended]~~ under this section:

48-25 (1) for 30 days, if the person's license is subject to
48-26 suspension for a reason listed in Subsection (a)(3), (4), or (5),
48-27 except as provided by Subdivision (3);

48-28 (2) for 90 days, if the person's license is subject to
48-29 suspension for a reason listed in Subsection (a)(2), except as
48-30 provided by Subdivision (3);

48-31 (3) for not less than one year and not more than three
48-32 years, if the person's license:

48-33 (A) is subject to suspension for a reason listed
48-34 in Subsection (a), other than the reason listed in Subsection
48-35 (a)(1); ~~[and~~

48-36 (B) ~~[the person's license]~~ has been previously
48-37 suspended for the same reason;

48-38 (4) until dismissal of the charges, if the person's
48-39 license is subject to suspension for the reason listed in
48-40 Subsection (a)(1); or

48-41 (5) for the duration of or the period specified by:

48-42 (A) the protective order issued under Title 4,
48-43 Family Code, if the person's license is subject to suspension for
48-44 the reason listed in Subsection (a)(6); or

48-45 (B) the order for emergency protection issued
48-46 under Article 17.292, Code of Criminal Procedure, if the person's
48-47 license is subject to suspension for the reason listed in
48-48 Subsection (a)(7).

48-49 SECTION 11.10. Section 411.188, Government Code, is amended
48-50 by amending Subsections (a), (g), (h), and (i) and adding
48-51 Subsection (k) to read as follows:

48-52 (a) The director by rule shall establish minimum standards
48-53 for handgun proficiency and shall develop a course to teach handgun
48-54 proficiency and examinations to measure handgun proficiency. The
48-55 course to teach handgun proficiency must contain training sessions
48-56 divided into two parts. One part of the course must be classroom
48-57 instruction and the other part must be range instruction and an
48-58 actual demonstration by the applicant of the applicant's ability to
48-59 safely and proficiently use the applicable category of handgun ~~[for~~
48-60 ~~which the applicant seeks certification]~~. An applicant must be
48-61 able to demonstrate ~~[may not be certified unless the applicant~~
48-62 ~~demonstrates]~~, at a minimum, the degree of proficiency that is
48-63 required to effectively operate a handgun of .32 caliber or above.
48-64 The department shall distribute the standards, course
48-65 requirements, and examinations on request to any qualified handgun
48-66 instructor.

48-67 (g) A person who wishes to obtain or renew a license to carry
48-68 a concealed handgun must apply in person to a qualified handgun
48-69 instructor to take the appropriate course in handgun proficiency

49-1 and [7] demonstrate handgun proficiency as required by the
 49-2 department[7, and obtain a handgun proficiency certificate as
 49-3 described by Section 411.189].

49-4 (h) A license holder who wishes to modify a license to allow
 49-5 the license holder to carry a handgun of a different category than
 49-6 the license indicates must apply in person to a qualified handgun
 49-7 instructor to demonstrate the required knowledge and proficiency
 49-8 [~~to obtain a handgun proficiency certificate~~] in that category [~~as~~
 49-9 ~~described by Section 411.189].~~

49-10 (i) A certified firearms instructor of the department may
 49-11 monitor any class or training presented by a qualified handgun
 49-12 instructor. A qualified handgun instructor shall cooperate with
 49-13 the department in the department's efforts to monitor the
 49-14 presentation of training by the qualified handgun instructor. A
 49-15 qualified handgun instructor shall make available for inspection to
 49-16 the department any and all records maintained by a qualified
 49-17 handgun instructor under this subchapter. The qualified handgun
 49-18 instructor shall keep a record of all [~~certificates of handgun~~
 49-19 ~~proficiency issued by the qualified handgun instructor and other~~]
 49-20 information required by department rule.

49-21 (k) A qualified handgun instructor may submit to the
 49-22 department a written recommendation for disapproval of the
 49-23 application for a license, renewal, or modification of a license,
 49-24 accompanied by an affidavit stating personal knowledge or naming
 49-25 persons with personal knowledge of facts that lead the instructor
 49-26 to believe that an applicant does not possess the required handgun
 49-27 proficiency. The department may use a written recommendation
 49-28 submitted under this subsection as the basis for denial of a license
 49-29 only if the department determines that the recommendation is made
 49-30 in good faith and is supported by a preponderance of the evidence.
 49-31 The department shall make a determination under this subsection not
 49-32 later than the 45th day after the date the department receives the
 49-33 written recommendation. The 60-day period in which the department
 49-34 must take action under Section 411.177(b) is extended one day for
 49-35 each day a determination is pending under this subsection.

49-36 SECTION 11.11. Sections 411.199(a) and (e), Government
 49-37 Code, are amended to read as follows:

49-38 (a) A person who is licensed as a peace officer under
 49-39 Chapter 1701, Occupations Code, [415] and who has been employed
 49-40 full-time as a peace officer by a law enforcement agency may apply
 49-41 for a license under this subchapter at any time after retirement.

49-42 (e) A retired peace officer who obtains a license under this
 49-43 subchapter must maintain, for the category of weapon licensed, the
 49-44 proficiency required for a peace officer under Section 1701.355,
 49-45 Occupations Code [415.035]. The department or a local law
 49-46 enforcement agency shall allow a retired peace officer of the
 49-47 department or agency an opportunity to annually demonstrate the
 49-48 required proficiency. The proficiency shall be reported to the
 49-49 department on application and renewal.

49-50 SECTION 11.12. Section 411.1991(a), Government Code, is
 49-51 amended to read as follows:

49-52 (a) A person who is licensed as a peace officer under
 49-53 Chapter 1701, Occupations Code, [415] and is employed full-time as
 49-54 a peace officer by a law enforcement agency may apply for a license
 49-55 under this subchapter. The person shall submit to the department
 49-56 two complete sets of legible and classifiable fingerprints and a
 49-57 sworn statement of the head of the law enforcement agency employing
 49-58 the applicant. A head of a law enforcement agency may not refuse to
 49-59 issue a statement under this subsection. If the applicant alleges
 49-60 that the statement is untrue, the department shall investigate the
 49-61 validity of the statement. The statement must include:

49-62 (1) the name and rank of the applicant;
 49-63 (2) whether the applicant has been accused of
 49-64 misconduct at any time during the applicant's period of employment
 49-65 with the agency and the disposition of that accusation;

49-66 (3) a description of the physical and mental condition
 49-67 of the applicant;

49-68 (4) a list of the types of weapons the applicant has
 49-69 demonstrated proficiency with during the preceding year; and

50-1 (5) a recommendation from the agency head that a
50-2 license be issued to the person under this subchapter.

50-3 SECTION 11.13. Sections 411.201(c) and (d), Government
50-4 Code, are amended to read as follows:

50-5 (c) An active judicial officer is eligible for a license to
50-6 carry a concealed handgun under the authority of this subchapter. A
50-7 retired judicial officer is eligible for a license to carry a
50-8 concealed handgun under the authority of this subchapter if the
50-9 officer:

50-10 (1) has not been convicted of a felony;

50-11 (2) has not, in the five years preceding the date of
50-12 application, been convicted of a Class A or Class B misdemeanor or
50-13 equivalent offense;

50-14 (3) is not charged with the commission of a Class A or
50-15 Class B misdemeanor or equivalent offense or of a felony under an
50-16 information or indictment;

50-17 (4) is not a chemically dependent person; and

50-18 (5) is not a person of unsound mind.

50-19 (d) An applicant for a license who is an active or retired
50-20 judicial officer must submit to the department:

50-21 (1) a completed application, including all required
50-22 affidavits, on a form prescribed by the department;

50-23 (2) one or more [~~two recent color passport~~]
50-24 photographs of the applicant that meet the requirements of the
50-25 department;

50-26 (3) two complete sets of legible and classifiable
50-27 fingerprints of the applicant, including one set taken by a person
50-28 employed by a law enforcement agency who is appropriately trained
50-29 in recording fingerprints;

50-30 (4) evidence of [a] handgun proficiency, in the form
50-31 and manner required by the department for an applicant under this
50-32 section [~~certificate issued to the applicant as evidence that the~~
50-33 ~~applicant successfully completed the proficiency requirements of~~
50-34 ~~this subchapter];~~

50-35 (5) [~~(4)~~] a nonrefundable application and license fee
50-36 set by the department in an amount reasonably designed to cover the
50-37 administrative costs associated with issuance of a license to carry
50-38 a concealed handgun under this subchapter; and

50-39 (6) [~~(5)~~] if the applicant is a retired judicial
50-40 officer, [~~(4)~~]

50-41 [~~(A) two complete sets of legible and~~
50-42 ~~classifiable fingerprints of the applicant taken by a person~~
50-43 ~~employed by a law enforcement agency who is appropriately trained~~
50-44 ~~in recording fingerprints; and~~

50-45 [~~(B)~~] a form executed by the applicant that
50-46 authorizes the department to make an inquiry into any noncriminal
50-47 history records that are necessary to determine the applicant's
50-48 eligibility for a license under this subchapter.

50-49 SECTION 11.14. Section 411.208, Government Code, is amended
50-50 by adding Subsection (e) to read as follows:

50-51 (e) The immunities granted under Subsection (a) to a
50-52 qualified handgun instructor do not apply to a cause of action for
50-53 fraud or a deceptive trade practice.

50-54 SECTION 11.15. Article 17.292(1), Code of Criminal
50-55 Procedure, is amended to read as follows:

50-56 (1) In the order for emergency protection, the magistrate
50-57 shall ~~may~~ suspend a license to carry a concealed handgun issued
50-58 under Subchapter H, Chapter 411 [~~Section 411.177~~], Government Code,
50-59 that is held by the defendant.

50-60 SECTION 11.16. Section 57.481(c), Education Code, is
50-61 amended to read as follows:

50-62 (c) The corporation shall maintain a system of
50-63 communication among the appropriate state agencies and entities to
50-64 reduce loan default claims. To assist the department's
50-65 determination of eligibility for a handgun license under Subchapter
50-66 H, Chapter 411, Government Code, the corporation shall provide to
50-67 the Department of Public Safety updated information regarding
50-68 persons who are determined to be in default on a student loan
50-69 guaranteed by the corporation.

51-1 SECTION 11.17. Section 57.491, Education Code, is amended
 51-2 by adding Subsection (f) to read as follows:

51-3 (f) Notwithstanding Subsections (e) and (g), the Department
 51-4 of Public Safety may not issue or renew the handgun license of an
 51-5 applicant who is determined to be in default on a student loan
 51-6 guaranteed by the corporation unless the applicant presents to the
 51-7 department a certificate issued by the corporation certifying that
 51-8 the applicant has repaid the student loan in full.

51-9 SECTION 11.18. Section 85.022(d), Family Code, is amended
 51-10 to read as follows:

51-11 (d) In a protective order, the court shall [~~may~~] suspend a
 51-12 license to carry a concealed handgun issued under Subchapter H,
 51-13 Chapter 411 [~~Section 411.177~~], Government Code, that is held by a
 51-14 person found to have committed family violence.

51-15 SECTION 11.19. Section 12.095(e), Health and Safety Code,
 51-16 is amended to read as follows:

51-17 (e) The panel may require the applicant or license holder to
 51-18 undergo a medical or other examination at the applicant's or
 51-19 holder's expense. A person who conducts an examination under this
 51-20 subsection may be compelled to testify before the panel and in any
 51-21 subsequent proceedings under Subchapter H, Chapter 411, Government
 51-22 Code, or Subchapter N, Chapter 521, Transportation Code, as
 51-23 applicable, concerning the person's observations and findings.

51-24 SECTION 11.20. Section 12.097(b), Health and Safety Code,
 51-25 is amended to read as follows:

51-26 (b) In a subsequent proceeding under Subchapter H, Chapter
 51-27 411, Government Code, or Subchapter N, Chapter 521, Transportation
 51-28 Code, the medical standards division may provide a copy of the
 51-29 report of the medical advisory board or panel and a medical record
 51-30 or report relating to an applicant or license holder to:

- 51-31 (1) the Department of Public Safety of the State of
- 51-32 Texas;
- 51-33 (2) the applicant or license holder; and
- 51-34 (3) the officer who presides at the hearing.

51-35 SECTION 11.21. Sections 411.175, 411.1882, and 411.189,
 51-36 Government Code, are repealed.

51-37 SECTION 11.22. The changes in law made by Sections
 51-38 411.1711, 411.172, and 411.201(c), Government Code, as amended by
 51-39 this article, and by Section 57.491, Education Code, as amended by
 51-40 this article, apply only to the eligibility of a person for the
 51-41 issuance, modification, or renewal of a license, the application
 51-42 for which is made on or after the effective date of this article. A
 51-43 holder of a license that was issued, modified, or renewed before the
 51-44 effective date of this article is not disqualified from holding
 51-45 that license solely by reason of this article.

51-46 SECTION 11.23. The changes in law made by Sections 411.174,
 51-47 411.176, 411.177, 411.184, 411.185, 411.188, and 411.201(d),
 51-48 Government Code, as amended by this article, and by the repeal of
 51-49 Sections 411.175, 411.1882, and 411.189, Government Code, apply
 51-50 only to an application for the issuance, modification, or renewal
 51-51 of a license that is submitted to the Department of Public Safety on
 51-52 or after the effective date of this article. An application
 51-53 submitted before the effective date of this article is governed by
 51-54 the law in effect when the application was submitted, and the former
 51-55 law is continued in effect for that purpose.

51-56 SECTION 11.24. The changes in law made by this article to
 51-57 Sections 411.186 and 411.187, Government Code, Article 17.292, Code
 51-58 of Criminal Procedure, and Section 85.022, Family Code, apply only
 51-59 to an administrative or judicial determination concerning the
 51-60 revocation or suspension of a license to carry a concealed handgun
 51-61 that is made on or after the effective date of this article. An
 51-62 administrative or judicial determination made before the effective
 51-63 date of this article is covered by the law in effect when the
 51-64 determination was made, and the former law is continued in effect
 51-65 for that purpose.

51-66 SECTION 11.25. The change in law made by Section 411.208,
 51-67 Government Code, as amended by this article, applies only to a cause
 51-68 of action that accrues on or after the effective date of this
 51-69 article. A cause of action that accrued before the effective date

52-1 of this article is governed by the law in effect immediately before
52-2 the effective date of this article, and the former law is continued
52-3 in effect for that purpose.

52-4 SECTION 11.26. This article takes effect September 1, 2009.
52-5 ARTICLE 12. DRIVER EDUCATION AND DRIVER'S LICENSING REQUIREMENTS
52-6 FOR MINORS

52-7 SECTION 12.01. This article shall be known as the Less Tears
52-8 More Years Act.

52-9 SECTION 12.02. Section 29.902, Education Code, is amended
52-10 by adding Subsection (c) to read as follows:

52-11 (c) A school district shall consider offering a driver
52-12 education and traffic safety course during each school year. If the
52-13 district offers the course, the district may:

52-14 (1) conduct the course and charge a fee for the course
52-15 in the amount determined by the agency to be comparable to the fee
52-16 charged by a driver education school that holds a license under
52-17 Chapter 1001; or

52-18 (2) contract with a driver education school that holds
52-19 a license under Chapter 1001 to conduct the course.

52-20 SECTION 12.03. Section 1001.101, Education Code, is amended
52-21 to read as follows:

52-22 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
52-23 TEXTBOOKS. (a) The commissioner by rule shall establish or approve
52-24 the curriculum and designate the textbooks to be used in a driver
52-25 education course, including a driver education course conducted by
52-26 a school district, driver education school, or parent or other
52-27 individual under Section 521.205, Transportation Code.

52-28 (b) A driver education course must require the student to
52-29 complete:

52-30 (1) 7 hours of behind-the-wheel instruction in the
52-31 presence of a person who holds a driver education instructor
52-32 license or who meets the requirements imposed under Section
52-33 521.205, Transportation Code;

52-34 (2) 7 hours of observation instruction in the presence
52-35 of a person who holds a driver education instructor license or who
52-36 meets the requirements imposed under Section 521.205,
52-37 Transportation Code; and

52-38 (3) 20 hours of behind-the-wheel instruction,
52-39 including at least 10 hours of instruction that takes place at
52-40 night, in the presence of an adult who meets the requirements of
52-41 Section 521.222(d)(2), Transportation Code.

52-42 SECTION 12.04. Subchapter F, Chapter 1001, Education Code,
52-43 is amended by adding Section 1001.257 to read as follows:

52-44 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not
52-45 issue or renew a driver education instructor license, including a
52-46 temporary license, to a person who has six or more points assigned
52-47 to the person's driver's license under Subchapter B, Chapter 708,
52-48 Transportation Code.

52-49 SECTION 12.05. Section 521.165, Transportation Code, is
52-50 amended by amending Subsection (c) and adding Subsection (d) to
52-51 read as follows:

52-52 (c) Except as provided by Subsection (d), in [It] issuing a
52-53 driver's license for certain types of vehicles, the director may
52-54 waive a driving test for an applicant who has successfully
52-55 completed and passed the training and testing conducted by a person
52-56 certified under Subsection (a).

52-57 (d) The director may not waive the driving test required by
52-58 Section 521.161 for an applicant who is under 18 years of age.

52-59 SECTION 12.06. Section 521.204(a), Transportation Code, is
52-60 amended to read as follows:

52-61 (a) The department may issue a Class C driver's license to
52-62 an applicant under 18 years of age only if the applicant:

52-63 (1) is 16 years of age or older;

52-64 (2) has submitted to the department a driver education
52-65 certificate issued under Section 9A, Texas Driver and Traffic
52-66 Safety Education Act (Article 4413(29c), Vernon's Texas Civil
52-67 Statutes), that states that the person has completed and passed a
52-68 driver education course approved by the department under Section
52-69 521.205 or by the Texas Education Agency;

53-1 (3) has obtained a high school diploma or its
53-2 equivalent or is a student:

53-3 (A) enrolled in a public school, home school, or
53-4 private school who attended school for at least 80 days in the fall
53-5 or spring semester preceding the date of the driver's license
53-6 application; or

53-7 (B) who has been enrolled for at least 45 days,
53-8 and is enrolled as of the date of the application, in a program to
53-9 prepare persons to pass the high school equivalency exam; ~~and~~

53-10 (4) has submitted to the department written parental
53-11 or guardian permission for the department to access the applicant's
53-12 school enrollment records maintained by the Texas Education Agency;
53-13 and

53-14 (5) has passed the examination required by Section
53-15 521.161.

53-16 SECTION 12.07. Section 521.205(a), Transportation Code, is
53-17 amended to read as follows:

53-18 (a) The department by rule shall provide for approval of a
53-19 driver education course conducted by the parent, stepparent, foster
53-20 parent, legal guardian, step-grandparent, or grandparent of a
53-21 person who is required to complete a driver education course to
53-22 obtain a Class C license. The rules must provide that:

53-23 (1) the person conducting the course possess a valid
53-24 license for the preceding three years that ~~and the license~~ has not
53-25 been suspended, revoked, or forfeited in the past three years for an
53-26 offense that involves the operation of a motor vehicle ~~[traffic~~
53-27 ~~related violations]~~;

53-28 (2) the student driver spend a minimum number of hours
53-29 in:

53-30 (A) classroom instruction; and
53-31 (B) behind-the-wheel instruction;

53-32 (3) the person conducting the course not be convicted
53-33 of:

53-34 (A) criminally negligent homicide; or
53-35 (B) driving while intoxicated; ~~and~~

53-36 (4) the person conducting the course not be disabled
53-37 because of mental illness; and

53-38 (5) the person conducting the course not have six or
53-39 more points assigned to the person's driver's license under
53-40 Subchapter B, Chapter 708, at the time the person begins conducting
53-41 the course.

53-42 SECTION 12.08. Subchapter J, Chapter 521, Transportation
53-43 Code, is amended by adding Section 521.206 to read as follows:

53-44 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)
53-45 The department shall collect data regarding collisions of students
53-46 taught by public schools, driver education schools licensed under
53-47 Chapter 1001, Education Code, and other entities that offer driver
53-48 education courses to students for which a uniform certificate of
53-49 course completion is issued. The collision rate is computed by
53-50 determining the number of an entity's students who complete a
53-51 driver education course during a state fiscal year, dividing that
53-52 number by the number of collisions that involved students who
53-53 completed such a course and that occurred in the 12-month period
53-54 following their licensure, and expressing the quotient as a
53-55 percentage.

53-56 (b) The department shall collect data regarding the
53-57 collision rate of students taught by course instructors approved
53-58 under Section 521.205. The collision rate is computed by
53-59 determining the number of students who completed a course approved
53-60 under Section 521.205 during a state fiscal year, dividing that
53-61 number by the number of collisions that involved students who
53-62 completed such a course and that occurred in the 12-month period
53-63 following their licensure, and expressing the quotient as a
53-64 percentage.

53-65 (c) Not later than October 1 of each year, the department
53-66 shall issue a publication listing the collision rate for students
53-67 taught by each driver education entity and the collision rate for
53-68 students taught by a course instructor approved under Section
53-69 521.205, noting the severity of collisions involving students of

54-1 each entity and each type of course.

54-2 SECTION 12.09. Section 521.271, Transportation Code, is
54-3 amended by amending Subsection (a) and adding Subsection (a-1) to
54-4 read as follows:

54-5 (a) Each original driver's license and provisional license
54-6 expires as follows:

54-7 (1) except as provided by Section 521.2711, a driver's
54-8 license expires on the first birthday of the license holder
54-9 occurring after the sixth anniversary of the date of the
54-10 application;

54-11 (2) a provisional license expires on ~~[the earlier of:~~
54-12 ~~[(A)]~~ the 18th birthday of the license holder~~+~~
54-13 ~~or~~

54-14 ~~[(B) the first birthday of the license holder~~
54-15 ~~occurring after the date of the application];~~

54-16 (3) an instruction permit expires on the 18th birthday
54-17 of the license holder ~~[second birthday of the license holder~~
54-18 ~~occurring after the date of the application]; and~~

54-19 (4) an occupational license expires on the first
54-20 anniversary of the court order granting the license.

54-21 (a-1) The department and the Texas Education Agency shall
54-22 enter into a memorandum of understanding under which the department
54-23 may access the agency's electronic enrollment records to verify a
54-24 student's enrollment in a public school. The memorandum of
54-25 understanding must specify that the department may only access
54-26 information necessary to verify the identity and enrollment status
54-27 of a license renewal applicant and only if a parent or guardian of
54-28 the applicant has provided written permission for the department to
54-29 access that information. Nothing in this subsection may be
54-30 construed to allow the release of information in violation of the
54-31 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
54-32 Section 1232g).

54-33 SECTION 12.10. Section 521.421(c), Transportation Code, is
54-34 amended to read as follows:

54-35 (c) The fee for issuance ~~[or renewal]~~ of a provisional
54-36 license or instruction permit is \$15 ~~[\$5].~~

54-37 SECTION 12.11. Section 545.424, Transportation Code, is
54-38 amended by amending Subsections (a), (b), and (c) and adding
54-39 Subsection (f) to read as follows:

54-40 (a) A person under 18 years of age ~~[, during the six-month~~
54-41 ~~period following issuance of an original Class A, B, or C driver's~~
54-42 ~~license to the person,]~~ may not operate a motor vehicle:

54-43 (1) during the 12-month period following issuance of
54-44 an original Class A, B, or C driver's license to the person:

54-45 (A) after midnight and before 5 a.m. unless the
54-46 operation of the vehicle is necessary for the operator to attend or
54-47 participate in employment or a school-related activity or because
54-48 of a medical emergency; or

54-49 (B) [(2)] with more than one passenger in the
54-50 vehicle under 21 years of age who is not a family member; or

54-51 (2) [(3)] while using a wireless communications
54-52 device, except in case of emergency.

54-53 (b) A person under 17 years of age who holds a restricted
54-54 motorcycle license or moped license, during the 12-month
54-55 ~~[six-month]~~ period following the issuance of an original motorcycle
54-56 license or moped license to the person, may not operate a motorcycle
54-57 or moped:

54-58 (1) after midnight and before 5 a.m. unless:

54-59 (A) the person is in sight of the person's parent
54-60 or guardian; or

54-61 (B) the operation of the vehicle is necessary for
54-62 the operator to attend or participate in employment or a
54-63 school-related activity or because of a medical emergency; or

54-64 (2) while using a wireless communications device,
54-65 except in case of emergency.

54-66 (c) This section does not apply to:

54-67 (1) the holder of a hardship license; ~~[or]~~

54-68 (2) a person operating a motor vehicle while
54-69 accompanied in the manner required by Section 521.222(d)(2) for the

55-1 holder of an instruction permit; or
 55-2 (3) a person licensed by the Federal Communications
 55-3 Commission to operate a wireless communication device or a radio
 55-4 frequency device.

55-5 (f) In this section, "wireless communication device" means
 55-6 a handheld or hands-free device that uses commercial mobile
 55-7 service, as defined by 47 U.S.C. Section 332.

55-8 SECTION 12.12. (a) For the purpose of compiling data for
 55-9 the publication required by Section 521.206, Transportation Code,
 55-10 as added by this article, the Texas Department of Public Safety
 55-11 shall determine the number of minor students taught by each driver
 55-12 education entity and the total number of minor students taught by
 55-13 courses approved under Section 521.205, Transportation Code, who
 55-14 become licensed during the state fiscal year beginning September 1,
 55-15 2009, and ending August 31, 2010.

55-16 (b) The first publication of collision rate data compiled
 55-17 under Section 521.206, Transportation Code, as added by this
 55-18 article, shall be issued not later than October 1, 2011.

55-19 SECTION 12.13. Not later than November 30, 2009, the Texas
 55-20 Department of Public Safety shall appoint a task force to review and
 55-21 make recommendations regarding the effectiveness of the materials
 55-22 provided by the Texas Education Agency for use in courses licensed
 55-23 under Chapter 1001, Education Code, or authorized by Section
 55-24 521.205. The task force shall consist of the following members:

- 55-25 (1) a representative of the Texas Department of Public
 55-26 Safety;
- 55-27 (2) a representative of the Texas Education Agency;
- 55-28 (3) a commercial provider of driver education courses;
- 55-29 (4) a member of an interested group or association, as
 55-30 determined by the department; and
- 55-31 (5) other appropriate members, as determined by the
 55-32 department.

55-33 SECTION 12.14. (a) Section 29.902(c), Education Code, as
 55-34 added by this article, applies beginning with the 2010-2011 school
 55-35 year.

55-36 (b) Not later than January 1, 2010, the commissioner of
 55-37 education shall adopt rules as required by Section 1001.101,
 55-38 Education Code, as amended by this article.

55-39 (c) Each driver education and training program approved by
 55-40 the Texas Education Agency under Chapter 1001, Education Code, must
 55-41 comply with the curriculum requirements of Section 1001.101,
 55-42 Education Code, as amended by this article, not later than May 1,
 55-43 2010.

55-44 (d) Section 521.165, Transportation Code, as amended by
 55-45 this article, applies only to an application for a driver's license
 55-46 submitted on or after the effective date of this article. An
 55-47 application for a driver's license submitted before the effective
 55-48 date of this article is subject to the law in effect on the date the
 55-49 application was submitted, and that law is continued in effect for
 55-50 that purpose.

55-51 (e) The changes in law made by this article to Section
 55-52 521.205, Transportation Code, apply to a course approved under that
 55-53 section that begins on or after the effective date of this article.
 55-54 A course beginning before the effective date of this article is
 55-55 governed by the law in effect on the date the course was commenced,
 55-56 and that law is continued in effect for that purpose.

55-57 (f) The changes in law made by this article to Sections
 55-58 521.271, 521.421, and 545.424, Transportation Code, apply only to a
 55-59 person issued a driver's license on or after the effective date of
 55-60 this article. A person issued a driver's license before the
 55-61 effective date of this article is governed by the law in effect on
 55-62 the date the license was issued, and that law is continued in effect
 55-63 for that purpose.

55-64 SECTION 12.15. This article takes effect September 1, 2009.

55-65 ARTICLE 13. REGULATION OF DRIVER'S LICENSES AND PERSONAL
 55-66 IDENTIFICATION CERTIFICATES BY DEPARTMENT

55-67 SECTION 13.01. Section 521.029, Transportation Code, is
 55-68 amended to read as follows:

55-69 Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE

56-1 RESIDENTS. (a) A person who enters this state as a new resident
56-2 may operate a motor vehicle in this state for no more than 90 [~~30~~]
56-3 days after the date on which the person enters this state if the
56-4 person:

- 56-5 (1) is 16 years of age or older; and
- 56-6 (2) has in the person's possession a driver's license
56-7 issued to the person by the person's state or country of previous
56-8 residence.

56-9 (b) If a person subject to this section is prosecuted for
56-10 operating a motor vehicle without a driver's license, the
56-11 prosecution alleges that the person has resided in this state for
56-12 more than 90 [~~30~~] days, and the person claims to have been covered
56-13 by Subsection (a), the person must prove by the preponderance of the
56-14 evidence that the person has not resided in this state for more than
56-15 90 [~~30~~] days.

56-16 SECTION 13.02. Subchapter C, Chapter 521, Transportation
56-17 Code, is amended by adding Section 521.060 to read as follows:

56-18 Sec. 521.060. INTERNAL VERIFICATION SYSTEM. (a) The
56-19 department by rule shall establish a system for identifying unique
56-20 addresses that are submitted in license or certificate applications
56-21 under this chapter or Chapter 522 in a frequency or number that, in
56-22 the department's determination, casts doubt on whether the
56-23 addresses are the actual addresses where the applicants reside.

56-24 (b) The department may contract with a third-party personal
56-25 data verification service to assist the department in implementing
56-26 this section.

56-27 (c) The department shall investigate the validity of
56-28 addresses identified under Subsection (a).

56-29 (d) The department may disclose the results of an
56-30 investigation under Subsection (c) to a criminal justice agency for
56-31 the purposes of enforcing Section 521.4565 or other provisions of
56-32 this chapter or Chapter 522.

56-33 (e) In this section, "criminal justice agency" has the
56-34 meaning assigned by Article 60.01, Code of Criminal Procedure.

56-35 SECTION 13.03. Section 521.101, Transportation Code, is
56-36 amended by adding Subsection (j) to read as follows:

56-37 (j) The department may not issue a personal identification
56-38 certificate to a person who has not established a domicile in this
56-39 state.

56-40 SECTION 13.04. Subchapter G, Chapter 521, Transportation
56-41 Code, is amended by adding Sections 521.1426 and 521.1427 to read as
56-42 follows:

56-43 Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION.

56-44 (a) The department may not issue a driver's license or a personal
56-45 identification certificate to a person who has not established a
56-46 domicile in this state.

56-47 (b) The department shall adopt rules for determining
56-48 whether a domicile has been established, including rules
56-49 prescribing the types of documentation the department may require
56-50 from the applicant to verify the validity of the claimed domicile.

56-51 (c) The department may contract with a third-party personal
56-52 data verification service to assist the department in verifying a
56-53 claim of domicile, including whether the physical address provided
56-54 by the applicant is the applicant's actual residence.

56-55 Sec. 521.1427. POST OFFICE BOX NOT VALID AS ADDRESS.

56-56 (a) In this section, "post office box address" means a United
56-57 States Postal Service post office box address or a private mailbox
56-58 address.

56-59 (b) Unless an exception exists under state or federal law,
56-60 an applicant may receive delivery of a license or a personal
56-61 identification certificate at a post office box address only if the
56-62 applicant has provided the department the physical address where
56-63 the applicant resides.

56-64 (c) The department may require the applicant to provide
56-65 documentation that the department determines necessary to verify
56-66 the validity of the physical address provided under Subsection (b).

56-67 (d) The department may contract with a third-party personal
56-68 data verification service to assist the department in verifying
56-69 whether the physical address provided by the applicant is the

57-1 applicant's actual residence.

57-2 SECTION 13.05. Subchapter C, Chapter 522, Transportation
57-3 Code, is amended by adding Sections 522.0225 and 522.0226 to read as
57-4 follows:

57-5 Sec. 522.0225. VERIFICATION OF DOMICILE. (a) The
57-6 department shall adopt rules for determining whether a domicile has
57-7 been established under Section 522.022, including rules
57-8 prescribing the types of documentation the department may require
57-9 from the applicant to determine the validity of the claimed
57-10 domicile.

57-11 (b) The department may contract with a third-party personal
57-12 data verification service to assist the department in verifying a
57-13 claim of domicile, including whether the physical address provided
57-14 by the applicant is the applicant's actual residence.

57-15 Sec. 522.0226. POST OFFICE BOX NOT VALID AS ADDRESS.
57-16 (a) In this section, "post office box address" means a United
57-17 States Postal Service post office box address or a private mailbox
57-18 address.

57-19 (b) Unless an exception exists under state or federal law,
57-20 an applicant may receive delivery of a commercial driver's license
57-21 at a post office box address only if the applicant has provided the
57-22 department the physical address where the applicant resides.

57-23 (c) The department may require the applicant to provide
57-24 documentation that the department determines necessary to verify
57-25 the validity of the physical address provided under Subsection (b).

57-26 (d) The department may contract with a third-party personal
57-27 data verification service to assist the department in verifying
57-28 whether the physical address provided by the applicant is the
57-29 applicant's actual residence.

57-30 SECTION 13.06. Subchapter S, Chapter 521, Transportation
57-31 Code, is amended by adding Section 521.4565 to read as follows:

57-32 Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT
57-33 LICENSE OR CERTIFICATE. (a) In this section:

57-34 (1) "Combination," "conspires to commit," "profits,"
57-35 and "criminal street gang" have the meanings assigned by Section
57-36 71.01, Penal Code.

57-37 (2) "Conspires to manufacture or produce" means that:

57-38 (A) a person agrees with one or more other
57-39 persons to engage in the manufacture or production of a forged or
57-40 counterfeit instrument; and

57-41 (B) the person and one or more of the other
57-42 persons perform an overt act in pursuance of the agreement.

57-43 (3) "Instrument" means a driver's license, commercial
57-44 driver's license, or personal identification certificate.

57-45 (4) "Public servant" has the meaning assigned by
57-46 Section 1.07, Penal Code.

57-47 (b) A person commits an offense if the person establishes,
57-48 maintains, or participates in or conspires to establish, maintain,
57-49 or participate in a combination or criminal street gang, or
57-50 participates in the profits of a combination or criminal street
57-51 gang, with the intent to manufacture or produce a forged or
57-52 counterfeit instrument for the purpose of selling, distributing, or
57-53 delivering such instrument. An agreement constituting conspiring
57-54 to manufacture or produce may be inferred from the acts of the
57-55 parties.

57-56 (c) An offense under this section is a state jail felony,
57-57 except that an offense committed by a public servant is a felony of
57-58 the third degree.

57-59 SECTION 13.07. The Department of Public Safety of the State
57-60 of Texas shall adopt rules required by the amendments of this
57-61 article to Chapters 521 and 522, Transportation Code, as soon as
57-62 practicable after the effective date of this article.

57-63 SECTION 13.08. This article takes effect immediately if
57-64 this Act receives a vote of two-thirds of all the members elected to
57-65 each house, as provided by Section 39, Article III, Texas
57-66 Constitution. If this Act does not receive the vote necessary for
57-67 immediate effect, this article takes effect September 1, 2009.

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ARTICLE 14. USE OF AN OFFENDER IDENTIFICATION CARD OR SIMILAR FORM OF IDENTIFICATION AS PROOF OF IDENTITY FOR AN APPLICANT FOR A DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE

SECTION 14.01. Subsection (a), Section 521.142, Transportation Code, is amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

SECTION 14.02. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.1421 to read as follows:

Sec. 521.1421. INMATE IDENTIFICATION VERIFICATION PILOT PROGRAM. (a) The department shall participate in an inmate identification verification pilot program for the purpose of issuing driver's licenses and personal identification certificates to inmates of the Texas Department of Criminal Justice.

(b) Under the pilot program, the department may:

(1) enter into a contract with the Texas Department of Criminal Justice and the Department of State Health Services to establish an identification verification process for inmates of the Texas Department of Criminal Justice; and

(2) issue a driver's license or a personal identification certificate to an inmate whose identity has been confirmed through the verification process and who otherwise meets the requirements for the issuance of the driver's license or personal identification certificate.

(c) At the conclusion of the pilot program the governing bodies of the participating agencies may agree to continue the pilot program on a permanent basis.

(d) Not later than December 1, 2010, the department and the Texas Department of Criminal Justice shall jointly issue a report to the standing committees of the legislature with jurisdiction over issues related to criminal justice and homeland security addressing:

(1) the status of the pilot program;

(2) the effectiveness of the pilot program; and

(3) an analysis of the feasibility of implementing a statewide program based on the pilot program.

SECTION 14.03. Subsection (c-1), Section 522.021, Transportation Code, is amended to read as follows:

(c-1) If the department requires proof of an applicant's identity as part of an application under this section, the department must accept as satisfactory proof of identity an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

SECTION 14.04. The changes in law made by this article apply only to an application for a driver's license, commercial driver's license, or personal identification certificate submitted on or after the effective date of this article. An application for a driver's license, commercial driver's license, or personal identification certificate submitted before the effective date of this article is subject to the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

SECTION 14.05. This article takes effect September 1, 2009.

ARTICLE 15. DRIVER RESPONSIBILITY PROGRAM

SECTION 15.01. Section 708.151, Transportation Code, is amended to read as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to [notify] the holder of a driver's license when [of the assessment of] a surcharge is assessed on that license. Each notice must:

59-1 (1) be sent by first class mail [~~sent~~] to the person's
 59-2 most recent address as shown on the records of the department;
 59-3 (2) [~~The notice must~~] specify the date by which the
 59-4 surcharge must be paid; and
 59-5 (3) state the consequences of a failure to pay the
 59-6 surcharge.

59-7 (b) The department shall send a first notice not later than
 59-8 the fifth day after the date the surcharge is assessed. If before
 59-9 the 30th day after the date the first notice was sent the person
 59-10 fails to pay the amount of the surcharge or fails to enter into an
 59-11 installment payment agreement with the department, the department
 59-12 shall send a second notice. If before the 30th day after the date
 59-13 the second notice was sent the person fails to pay the amount of the
 59-14 surcharge or fails to enter into an installment payment agreement
 59-15 with the department, the department shall send a third notice.

59-16 SECTION 15.02. Subsection (a), Section 708.152,
 59-17 Transportation Code, is amended to read as follows:

59-18 (a) If before the 30th day after the date the department
 59-19 sends a third notice under Section 708.151 the person fails to pay
 59-20 the amount of a surcharge on the person's license or fails to enter
 59-21 into an installment payment agreement with the department, the
 59-22 license of the person is automatically suspended.

59-23 SECTION 15.03. Subsection (b), Section 708.153,
 59-24 Transportation Code, is amended to read as follows:

59-25 (b) A rule under this section:

59-26 (1) may not require [~~permit~~] a person to pay a
 59-27 surcharge over a period of less [~~more~~] than 36 consecutive months;
 59-28 and

59-29 (2) may provide that if the person fails to make a
 59-30 required installment payment, the department may reestablish the
 59-31 installment plan or declare the amount of the unpaid surcharge
 59-32 immediately due and payable.

59-33 SECTION 15.04. Subchapter D, Chapter 708, Transportation
 59-34 Code, is amended by adding Section 708.158 to read as follows:

59-35 Sec. 708.158. JURISDICTION. (a) For the time a surcharge
 59-36 under this chapter is outstanding, the court in which a person is
 59-37 convicted of the offense that is the basis for the surcharge has
 59-38 jurisdiction over the person, the department, and all agents of the
 59-39 department regarding all matters relating to the surcharge.

59-40 (b) The court may reduce or waive a surcharge under this
 59-41 chapter. A person who is assessed a surcharge may file a pleading,
 59-42 request a hearing, or otherwise invoke the jurisdiction of the
 59-43 court described by Subsection (a) at any time the person is required
 59-44 to pay a surcharge or is subject to any other enforcement procedure
 59-45 described by this chapter.

59-46 (c) The department may not assess a surcharge against a
 59-47 person who is indigent. For the purposes of this subsection, a
 59-48 person is indigent if:

59-49 (1) the person provides evidence described by
 59-50 Subsection (d) to the court in which the person is convicted of the
 59-51 offense that is the basis for the surcharge; or

59-52 (2) the person is a full-time student who:
 59-53 (A) is enrolled in a public, private, or
 59-54 independent institution of higher education; and

59-55 (B) provides evidence described by Subsection
 59-56 (d) to the court in which the person is convicted of the offense
 59-57 that is the basis for the surcharge.

59-58 (d) A person must provide the following information to the
 59-59 court in which the person is convicted of the offense that is the
 59-60 basis for the surcharge as evidence that the person's income or the
 59-61 person's household income does not exceed 200 percent of the
 59-62 applicable income level established by the federal poverty
 59-63 guidelines:

59-64 (1) a copy of the person's most recent federal income
 59-65 tax return;

59-66 (2) a copy of the person's most recent statement of
 59-67 wages; or

59-68 (3) documentation from a federal agency, state agency,
 59-69 or school district that indicates that the person or a member of the

60-1 person's family with whom the person resides receives assistance
 60-2 from:

60-3 (A) the food stamp program or the financial
 60-4 assistance program established under Chapter 31, Human Resources
 60-5 Code;

60-6 (B) the federal special supplemental nutrition
 60-7 program for women, infants, and children authorized by 42 U.S.C.
 60-8 Section 1786;

60-9 (C) the medical assistance program under Chapter
 60-10 32, Human Resources Code;

60-11 (D) the child health plan program under Chapter
 60-12 62, Health and Safety Code; or

60-13 (E) the national free or reduced-price lunch
 60-14 program established under 42 U.S.C. Section 1751 et seq.

60-15 (e) If a court holds a hearing and finds that a person is
 60-16 indigent based on the information provided to the court by the
 60-17 person under Subsection (d), the court shall notify the department
 60-18 that the person is indigent.

60-19 SECTION 15.05. Subchapter B, Chapter 708, Transportation
 60-20 Code, is amended by adding Section 708.056 to read as follows:

60-21 Sec. 708.056. DEDUCTION OF POINTS. The department by rule
 60-22 shall establish a procedure to provide for the deduction of one
 60-23 point accumulated by a person under this subchapter to account for
 60-24 each year that the person has not accumulated points under this
 60-25 subchapter.

60-26 SECTION 15.06. The changes in law made by this article apply
 60-27 only to a surcharge that is assessed on or after the effective date
 60-28 of this article. A surcharge that was assessed before the effective
 60-29 date of this article is subject to the law in effect on the date the
 60-30 surcharge was assessed, and that law is continued in effect for that
 60-31 purpose.

60-32 SECTION 15.07. This article takes effect September 1, 2009.

60-33 ARTICLE 16. SUSPENSION OF A DRIVER'S LICENSE BY DEPARTMENT

60-34 SECTION 16.01. Section 521.341, Transportation Code, is
 60-35 amended to read as follows:

60-36 Sec. 521.341. REQUIREMENTS FOR AUTOMATIC LICENSE
 60-37 SUSPENSION. Except as provided by Sections 521.344(d)-(i), a
 60-38 license is automatically suspended on final conviction of the
 60-39 license holder of:

60-40 (1) an offense under Section 19.05, Penal Code,
 60-41 committed as a result of the holder's criminally negligent
 60-42 operation of a motor vehicle;

60-43 (2) an offense under Section 38.04, Penal Code, if the
 60-44 holder used a motor vehicle in the commission of the offense;

60-45 (3) an offense under Section 49.04, 49.045, or 49.08,
 60-46 Penal Code;

60-47 (4) an offense under Section 49.07, Penal Code, if the
 60-48 holder used a motor vehicle in the commission of the offense;

60-49 (5) an offense punishable as a felony under the motor
 60-50 vehicle laws of this state;

60-51 (6) an offense under Section 550.021;

60-52 (7) an offense under Section 521.451 or 521.453; or

60-53 (8) an offense under Section 19.04, Penal Code, if the
 60-54 holder used a motor vehicle in the commission of the offense.

60-55 SECTION 16.02. Sections 521.342(a) and (b), Transportation
 60-56 Code, are amended to read as follows:

60-57 (a) Except as provided by Section 521.344, the license of a
 60-58 person who was under 21 years of age at the time of the offense,
 60-59 other than an offense classified as a misdemeanor punishable by
 60-60 fine only, is automatically suspended on conviction of:

60-61 (1) an offense under Section 49.04, 49.045, or 49.07,
 60-62 Penal Code, committed as a result of the introduction of alcohol
 60-63 into the body;

60-64 (2) an offense under the Alcoholic Beverage Code,
 60-65 other than an offense to which Section 106.071 of that code applies,
 60-66 involving the manufacture, delivery, possession, transportation,
 60-67 or use of an alcoholic beverage;

60-68 (3) a misdemeanor offense under Chapter 481, Health
 60-69 and Safety Code, for which Subchapter P does not require the

61-1 automatic suspension of the license;

61-2 (4) an offense under Chapter 483, Health and Safety
61-3 Code, involving the manufacture, delivery, possession,
61-4 transportation, or use of a dangerous drug; or

61-5 (5) an offense under Chapter 485, Health and Safety
61-6 Code, involving the manufacture, delivery, possession,
61-7 transportation, or use of an abusable volatile chemical.

61-8 (b) The department shall suspend for one year the license of
61-9 a person who is under 21 years of age and is convicted of an offense
61-10 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code,
61-11 regardless of whether the person is required to attend an
61-12 educational program under Section 13(h), Article 42.12, Code of
61-13 Criminal Procedure, that is designed to rehabilitate persons who
61-14 have operated motor vehicles while intoxicated, unless the person
61-15 is placed under community supervision under that article and is
61-16 required as a condition of the community supervision to not operate
61-17 a motor vehicle unless the vehicle is equipped with the device
61-18 described by Section 13(i) of that article. If the person is
61-19 required to attend such a program and does not complete the program
61-20 before the end of the person's suspension, the department shall
61-21 suspend the person's license or continue the suspension, as
61-22 appropriate, until the department receives proof that the person
61-23 has successfully completed the program. On the person's successful
61-24 completion of the program, the person's instructor shall give
61-25 notice to the department and to the community supervision and
61-26 corrections department in the manner provided by Section 13(h),
61-27 Article 42.12, Code of Criminal Procedure.

61-28 SECTION 16.03. Sections 521.344(a), (c), and (i),
61-29 Transportation Code, are amended to read as follows:

61-30 (a) Except as provided by Sections 521.342(b) and 521.345,
61-31 and by Subsections (d)-(i), if a person is convicted of an offense
61-32 under Section 49.04, 49.045, or 49.07, Penal Code, the license
61-33 suspension:

61-34 (1) begins on a date set by the court that is not
61-35 earlier than the date of the conviction or later than the 30th day
61-36 after the date of the conviction, as determined by the court; and

61-37 (2) continues for a period set by the court according
61-38 to the following schedule:

61-39 (A) not less than 90 days or more than one year,
61-40 if the person is punished under Section 49.04, 49.045, or 49.07,
61-41 Penal Code, except that if the person's license is suspended for a
61-42 second or subsequent offense under Section 49.07 committed within
61-43 five years of the date on which the most recent preceding offense
61-44 was committed, the suspension continues for a period of one year;

61-45 (B) not less than 180 days or more than two years,
61-46 if the person is punished under Section 49.09(a) or (b), Penal Code;
61-47 or

61-48 (C) not less than one year or more than two years,
61-49 if the person is punished under Section 49.09(a) or (b), Penal Code,
61-50 and is subject to Section 49.09(h) of that code.

61-51 (c) The court shall credit toward the period of suspension a
61-52 suspension imposed on the person for refusal to give a specimen
61-53 under Chapter 724 if the refusal followed an arrest for the same
61-54 offense for which the court is suspending the person's license
61-55 under this chapter. The court may not extend the credit to a
61-56 person:

61-57 (1) who has been previously convicted of an offense
61-58 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code; or

61-59 (2) whose period of suspension is governed by Section
61-60 521.342(b).

61-61 (i) On the date that a suspension order under Section
61-62 521.343(c) is to expire, the period of suspension or the
61-63 corresponding period in which the department is prohibited from
61-64 issuing a license is automatically increased to two years unless
61-65 the department receives notice of successful completion of the
61-66 educational program as required by Section 13, Article 42.12, Code
61-67 of Criminal Procedure. At the time a person is convicted of an
61-68 offense under Section 49.04 or 49.045, Penal Code, the court shall
61-69 warn the person of the effect of this subsection. On the person's

62-1 successful completion of the program, the person's instructor shall
62-2 give notice to the department and to the community supervision and
62-3 corrections department in the manner required by Section 13,
62-4 Article 42.12, Code of Criminal Procedure. If the department
62-5 receives proof of completion after a period has been extended under
62-6 this subsection, the department shall immediately end the
62-7 suspension or prohibition.

62-8 SECTION 16.04. Sections 13(h) and (n), Article 42.12, Code
62-9 of Criminal Procedure, are amended to read as follows:

62-10 (h) If a person convicted of an offense under Sections
62-11 49.04-49.08, Penal Code, is placed on community supervision, the
62-12 judge shall require, as a condition of the community supervision,
62-13 that the defendant attend and successfully complete before the
62-14 181st day after the day community supervision is granted an
62-15 educational program jointly approved by the Texas Commission on
62-16 Alcohol and Drug Abuse, the Department of Public Safety, the
62-17 Traffic Safety Section of the Texas Department of Transportation,
62-18 and the community justice assistance division of the Texas
62-19 Department of Criminal Justice designed to rehabilitate persons who
62-20 have driven while intoxicated. The Texas Commission on Alcohol and
62-21 Drug Abuse shall publish the jointly approved rules and shall
62-22 monitor, coordinate, and provide training to persons providing the
62-23 educational programs. The Texas Commission on Alcohol and Drug
62-24 Abuse is responsible for the administration of the certification of
62-25 approved educational programs and may charge a nonrefundable
62-26 application fee for the initial certification of approval and for
62-27 renewal of a certificate. The judge may waive the educational
62-28 program requirement or may grant an extension of time to
62-29 successfully complete the program that expires not later than one
62-30 year after the beginning date of the person's community
62-31 supervision, however, if the defendant by a motion in writing shows
62-32 good cause. In determining good cause, the judge may consider but
62-33 is not limited to: the defendant's school and work schedule, the
62-34 defendant's health, the distance that the defendant must travel to
62-35 attend an educational program, and the fact that the defendant
62-36 resides out of state, has no valid driver's license, or does not
62-37 have access to transportation. The judge shall set out the finding
62-38 of good cause for waiver in the judgment. If a defendant is
62-39 required, as a condition of community supervision, to attend an
62-40 educational program or if the court waives the educational program
62-41 requirement, the court clerk shall immediately report that fact to
62-42 the Department of Public Safety, on a form prescribed by the
62-43 department, for inclusion in the person's driving record. If the
62-44 court grants an extension of time in which the person may complete
62-45 the program, the court clerk shall immediately report that fact to
62-46 the Department of Public Safety on a form prescribed by the
62-47 department. The report must include the beginning date of the
62-48 person's community supervision. Upon the person's successful
62-49 completion of the educational program, the person's instructor
62-50 shall give notice to the Department of Public Safety for inclusion
62-51 in the person's driving record and to the community supervision and
62-52 corrections department. The community supervision and corrections
62-53 department shall then forward the notice to the court clerk for
62-54 filing. If the Department of Public Safety does not receive notice
62-55 that a defendant required to complete an educational program has
62-56 successfully completed the program within the period required by
62-57 this section, as shown on department records, the department shall
62-58 revoke the defendant's driver's license, permit, or privilege or
62-59 prohibit the person from obtaining a license or permit, as provided
62-60 by Sections 521.344(e) and (f), Transportation Code. The
62-61 Department of Public Safety may not reinstate a license suspended
62-62 under this subsection unless the person whose license was suspended
62-63 makes application to the department for reinstatement of the
62-64 person's license and pays to the department a reinstatement fee of
62-65 \$100 [~~\$50~~]. The Department of Public Safety shall remit all fees
62-66 collected under this subsection to the comptroller for deposit in
62-67 the general revenue fund. This subsection does not apply to a
62-68 defendant if a jury recommends community supervision for the
62-69 defendant and also recommends that the defendant's driver's license

63-1 not be suspended.

63-2 (n) Notwithstanding any other provision of this section or
63-3 other law, the judge who places on community supervision a
63-4 defendant who was [~~is~~] younger than 21 years of age at the time of
63-5 the offense and was convicted for an offense under Sections
63-6 49.04-49.08, Penal Code, shall:

63-7 (1) order that the defendant's driver's license be
63-8 suspended for 90 days beginning on the date that the person is
63-9 placed on community supervision; and

63-10 (2) require as a condition of community supervision
63-11 that the defendant not operate a motor vehicle unless the vehicle is
63-12 equipped with the device described by Subsection (i) of this
63-13 section.

63-14 SECTION 16.05. The changes in law made by this article to
63-15 Sections 521.341, 521.342, and 521.344, Transportation Code, and
63-16 Section 13, Article 42.12, Code of Criminal Procedure, apply only
63-17 to an offense committed on or after the effective date of this
63-18 article. For purposes of this section, an offense was committed
63-19 before the effective date of this article if any element of the
63-20 offense occurred before the effective date of this article.

63-21 SECTION 16.06. This article takes effect September 1, 2009.

63-22 ARTICLE 17. SUBMISSION OF REPORTS ON CERTAIN CONVICTIONS OR
63-23 ADJUDICATIONS RELATING TO THE OPERATION OF MOTOR VEHICLES TO THE
63-24 DEPARTMENT

63-25 SECTION 17.01. Subsections (a) and (b), Section 522.061,
63-26 Transportation Code, are amended to read as follows:

63-27 (a) A person who holds or is required to hold a commercial
63-28 driver's license under this chapter and who is convicted in another
63-29 state of violating a state law or local ordinance relating to motor
63-30 vehicle traffic control shall notify the department in the manner
63-31 specified by the department not later than the seventh [~~30th~~] day
63-32 after the date of conviction.

63-33 (b) A person who holds or is required to hold a commercial
63-34 driver's license under this chapter and who is convicted in this
63-35 state or another state of violating a state law or local ordinance
63-36 relating to motor vehicle traffic control, including a law
63-37 regulating the operation of vehicles on highways, shall notify the
63-38 person's employer in writing of the conviction not later than the
63-39 seventh [~~30th~~] day after the date of conviction.

63-40 SECTION 17.02. Section 543.203, Transportation Code, is
63-41 amended to read as follows:

63-42 Sec. 543.203. SUBMITTING RECORD TO DEPARTMENT. Not later
63-43 than the seventh [~~30th~~] day after the date of conviction or
63-44 forfeiture of bail of a person on a charge of violating a law
63-45 regulating the operation of a vehicle on a highway or conviction of
63-46 a person of negligent homicide or a felony in the commission of
63-47 which a vehicle was used, the magistrate, judge, or clerk of the
63-48 court in which the conviction was had or bail was forfeited shall
63-49 immediately submit to the department a written record of the case
63-50 containing the information required by Section 543.202.

63-51 SECTION 17.03. Subsection (a), Section 543.204,
63-52 Transportation Code, is amended to read as follows:

63-53 (a) A justice of the peace or municipal judge who defers
63-54 further proceedings, suspends all or part of the imposition of the
63-55 fine, and places a defendant on probation under Article 45.051,
63-56 Code of Criminal Procedure, or a county court judge who follows that
63-57 procedure under Article 42.111, Code of Criminal Procedure, may not
63-58 submit a written record to the department, except that if the
63-59 justice or judge subsequently adjudicates the defendant's guilt,
63-60 the justice or judge shall submit the record not later than the
63-61 seventh [~~30th~~] day after the date on which the justice or judge
63-62 adjudicates guilt.

63-63 SECTION 17.04. The change in law made by this article
63-64 applies only to a conviction, forfeiture of bail, or adjudication
63-65 of guilt that occurs on or after the effective date of this article.

63-66 SECTION 17.05. This article takes effect September 1, 2009.

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ARTICLE 18. CIVIL CONSEQUENCES OF CERTAIN CONVICTIONS ON A PERSON WHO HOLDS A COMMERCIAL DRIVER'S LICENSE AND OF CERTAIN ADJUDICATIONS ON THE DRIVER'S LICENSE OR PERMIT OF A CHILD

SECTION 18.01. Section 522.081(d), Transportation Code, is amended to read as follows:

(d) A person is disqualified from driving a commercial motor vehicle for life:

(1) if the person is convicted two or more times of an offense specified by Subsection (b)(2), or a combination of those offenses, arising from two or more separate incidents;

(2) if the person uses a motor vehicle in the commission of a felony involving:

(A) the manufacture, distribution, or dispensing of a controlled substance; or

(B) possession with intent to manufacture, distribute, or dispense a controlled substance; ~~or~~

(3) for any combination of two or more of the following, arising from two or more separate incidents:

(A) a conviction of the person for an offense described by Subsection (b)(2);

(B) a refusal by the person described by Subsection (b)(3); and

(C) an analysis of the person's blood, breath, or urine described by Subsection (b)(4); or

(4) if the person uses a motor vehicle in the commission of an offense under 8 U.S.C. Section 1324 that involves the transportation, concealment, or harboring of an alien.

SECTION 18.02. Section 54.042(a), Family Code, is amended to read as follows:

(a) A juvenile court, in a disposition hearing under Section 54.04, shall:

(1) order the Department of Public Safety to suspend a child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that:

(A) violates a law of this state enumerated in Section 521.342(a), Transportation Code; or

(B) violates a penal law of this state or the United States, an element or elements of which involve a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102; or

(2) notify the Department of Public Safety of the adjudication, if the court finds that the child has engaged in conduct that violates a law of this state enumerated in Section 521.372(a), Transportation Code.

SECTION 18.03. (a) The change in law made by this article to Section 522.081, Transportation Code, applies only in connection with a conviction that becomes final on or after the effective date of this article. A conviction that became final before the effective date of this article is covered by Section 522.081, Transportation Code, as that section existed on the date the conviction became final, and the former law is continued in effect for that purpose.

(b) The change in law made by this article in amending Section 54.042, Family Code, applies only to conduct that occurs on or after the effective date of this article. Conduct that occurred before the effective date of this article is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 18.04. This article takes effect September 1, 2009.

ARTICLE 19. CIVIL AND CRIMINAL CONSEQUENCES OF OPERATING A MOTOR VEHICLE OR A WATERCRAFT WHILE INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL

SECTION 19.01. The heading to Section 106.041, Alcoholic Beverage Code, is amended to read as follows:

Sec. 106.041. DRIVING OR OPERATING WATERCRAFT UNDER THE INFLUENCE OF ALCOHOL BY MINOR.

SECTION 19.02. Subsections (a) and (g), Section 106.041, Alcoholic Beverage Code, are amended to read as follows:

65-1 (a) A minor commits an offense if the minor operates a motor
65-2 vehicle in a public place, or a watercraft, while having any
65-3 detectable amount of alcohol in the minor's system.

65-4 (g) An offense under this section is not a lesser included
65-5 offense under Section 49.04, 49.045, or 49.06, Penal Code.

65-6 SECTION 19.03. Subsection (j), Section 106.041, Alcoholic
65-7 Beverage Code, is amended by adding Subdivision (4) to read as
65-8 follows:

65-9 (4) "Watercraft" has the meaning assigned by Section
65-10 49.01, Penal Code.

65-11 SECTION 19.04. Subdivision (3), Section 524.001,
65-12 Transportation Code, is amended to read as follows:

65-13 (3) "Alcohol-related or drug-related enforcement
65-14 contact" means a driver's license suspension, disqualification, or
65-15 prohibition order under the laws of this state or another state
65-16 resulting from:

65-17 (A) a conviction of an offense prohibiting the
65-18 operation of a motor vehicle or watercraft while:

65-19 (i) intoxicated;
65-20 (ii) under the influence of alcohol; or
65-21 (iii) under the influence of a controlled
65-22 substance;

65-23 (B) a refusal to submit to the taking of a breath
65-24 or blood specimen following an arrest for an offense prohibiting
65-25 the operation of a motor vehicle or an offense prohibiting the
65-26 operation of a watercraft, if the watercraft was powered with an
65-27 engine having a manufacturer's rating of 50 horsepower or more,
65-28 while:

65-29 (i) intoxicated;
65-30 (ii) under the influence of alcohol; or
65-31 (iii) under the influence of a controlled
65-32 substance; or

65-33 (C) an analysis of a breath or blood specimen
65-34 showing an alcohol concentration of a level specified by Section
65-35 49.01, Penal Code, following an arrest for an offense prohibiting
65-36 the operation of a motor vehicle or watercraft while intoxicated.

65-37 SECTION 19.05. Subsection (a), Section 524.011,
65-38 Transportation Code, is amended to read as follows:

65-39 (a) An officer arresting a person shall comply with
65-40 Subsection (b) if:

65-41 (1) the person is arrested for an offense under
65-42 Section 49.04, 49.045, or 49.06, Penal Code, or an offense under
65-43 Section 49.07 or 49.08 of that code involving the operation of a
65-44 motor vehicle or watercraft, submits to the taking of a specimen of
65-45 breath or blood and an analysis of the specimen shows the person had
65-46 an alcohol concentration of a level specified by Section
65-47 49.01(2)(B), Penal Code; or

65-48 (2) the person is a minor arrested for an offense under
65-49 Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.045,
65-50 or 49.06, Penal Code, or an offense under Section 49.07 or 49.08,
65-51 Penal Code, involving the operation of a motor vehicle or
65-52 watercraft and:

65-53 (A) the minor is not requested to submit to the
65-54 taking of a specimen; or

65-55 (B) the minor submits to the taking of a specimen
65-56 and an analysis of the specimen shows that the minor had an alcohol
65-57 concentration of greater than .00 but less than the level specified
65-58 by Section 49.01(2)(B), Penal Code.

65-59 SECTION 19.06. Subsection (b), Section 524.012,
65-60 Transportation Code, is amended to read as follows:

65-61 (b) The department shall suspend the person's driver's
65-62 license if the department determines that:

65-63 (1) the person had an alcohol concentration of a level
65-64 specified by Section 49.01(2)(B), Penal Code, while operating a
65-65 motor vehicle in a public place or while operating a watercraft; or

65-66 (2) the person was [is] a minor on the date that the
65-67 breath or blood specimen was obtained and had any detectable amount
65-68 of alcohol in the minor's system while operating a motor vehicle in
65-69 a public place or while operating a watercraft.

66-1 SECTION 19.07. Subsection (b), Section 524.015,
66-2 Transportation Code, is amended to read as follows:

66-3 (b) A suspension may not be imposed under this chapter on a
66-4 person who is acquitted of a criminal charge under Section 49.04,
66-5 49.045, 49.06, 49.07, or 49.08, Penal Code, or Section 106.041,
66-6 Alcoholic Beverage Code, arising from the occurrence that was the
66-7 basis for the suspension. If a suspension was imposed before the
66-8 acquittal, the department shall rescind the suspension and shall
66-9 remove any reference to the suspension from the person's
66-10 computerized driving record.

66-11 SECTION 19.08. Subsection (b), Section 524.022,
66-12 Transportation Code, is amended to read as follows:

66-13 (b) A period of suspension under this chapter for a minor
66-14 is:

66-15 (1) 60 days if the minor has not been previously
66-16 convicted of an offense under Section 106.041, Alcoholic Beverage
66-17 Code, or Section 49.04, 49.045, or 49.06, Penal Code, or an offense
66-18 under Section 49.07 or 49.08, Penal Code, involving the operation
66-19 of a motor vehicle or a watercraft;

66-20 (2) 120 days if the minor has been previously
66-21 convicted once of an offense listed by Subdivision (1); or

66-22 (3) 180 days if the minor has been previously
66-23 convicted twice or more of an offense listed by Subdivision (1).

66-24 SECTION 19.09. Section 524.023, Transportation Code, is
66-25 amended to read as follows:

66-26 Sec. 524.023. APPLICATION OF SUSPENSION UNDER OTHER LAWS.

66-27 (a) If a person is convicted of an offense under Section 106.041,
66-28 Alcoholic Beverage Code, or Section 49.04, 49.045, 49.06, 49.07, or
66-29 49.08, Penal Code, and if any conduct on which that conviction is
66-30 based is a ground for a driver's license suspension under this
66-31 chapter and Section 106.041, Alcoholic Beverage Code, Subchapter O,
66-32 Chapter 521, or Subchapter H, Chapter 522, each of the suspensions
66-33 shall be imposed.

66-34 (b) The court imposing a driver's license suspension under
66-35 Section 106.041, Alcoholic Beverage Code, or Chapter 521 or 522 as
66-36 required by Subsection (a) shall credit a period of suspension
66-37 imposed under this chapter toward the period of suspension required
66-38 under Section 106.041, Alcoholic Beverage Code, or Subchapter O,
66-39 Chapter 521, or Subchapter H, Chapter 522, unless the person was
66-40 convicted of an offense under Article 67011-1, Revised Statutes, as
66-41 that law existed before September 1, 1994, Section 19.05(a)(2),
66-42 Penal Code, as that law existed before September 1, 1994, Section
66-43 49.04, 49.045, 49.06, 49.07, or 49.08, Penal Code, or Section
66-44 106.041, Alcoholic Beverage Code, before the date of the conviction
66-45 on which the suspension is based, in which event credit may not be
66-46 given.

66-47 SECTION 19.10. Subsections (a) and (d), Section 524.035,
66-48 Transportation Code, are amended to read as follows:

66-49 (a) The issues that must be proved at a hearing by a
66-50 preponderance of the evidence are:

66-51 (1) whether:

66-52 (A) the person had an alcohol concentration of a
66-53 level specified by Section 49.01(2)(B), Penal Code, while operating
66-54 a motor vehicle in a public place or while operating a watercraft;
66-55 or

66-56 (B) the person was ~~is~~ a minor on the date that
66-57 the breath or blood specimen was obtained and had any detectable
66-58 amount of alcohol in the minor's system while operating a motor
66-59 vehicle in a public place or while operating a watercraft; and

66-60 (2) whether reasonable suspicion to stop or probable
66-61 cause to arrest the person existed.

66-62 (d) An administrative law judge may not find in the
66-63 affirmative on the issue in Subsection (a)(1) if:

66-64 (1) the person is an adult and the analysis of the
66-65 person's breath or blood determined that the person had an alcohol
66-66 concentration of a level below that specified by Section 49.01,
66-67 Penal Code, at the time the specimen was taken; or

66-68 (2) the person was ~~is~~ a minor on the date that the
66-69 breath or blood specimen was obtained and the administrative law

67-1 judge does not find that the minor had any detectable amount of
67-2 alcohol in the minor's system when the minor was arrested.

67-3 SECTION 19.11. Subsection (a), Section 524.042,
67-4 Transportation Code, is amended to read as follows:

67-5 (a) A suspension of a driver's license under this chapter is
67-6 stayed on the filing of an appeal petition only if:

67-7 (1) the person's driver's license has not been
67-8 suspended as a result of an alcohol-related or drug-related
67-9 enforcement contact during the five years preceding the date of the
67-10 person's arrest; and

67-11 (2) the person has not been convicted during the 10
67-12 years preceding the date of the person's arrest of an offense under:

67-13 (A) Article 67011-1, Revised Statutes, as that
67-14 law existed before September 1, 1994;

67-15 (B) Section 19.05(a)(2), Penal Code, as that law
67-16 existed before September 1, 1994;

67-17 (C) Section 49.04, 49.045, or 49.06, Penal Code;

67-18 (D) Section 49.07 or 49.08, Penal Code, if the
67-19 offense involved the operation of a motor vehicle or a watercraft;
67-20 or

67-21 (E) Section 106.041, Alcoholic Beverage Code.

67-22 SECTION 19.12. The changes in law made by this article to
67-23 Chapter 524, Transportation Code, apply only to an offense
67-24 committed on or after the effective date of this article. An
67-25 offense committed before the effective date of this article is
67-26 covered by the law in effect when the offense was committed, and the
67-27 former law is continued in effect for that purpose. For purposes of
67-28 this section, an offense was committed before the effective date of
67-29 this article if any element of the offense was committed before that
67-30 date.

67-31 SECTION 19.13. This article takes effect September 1, 2009.

67-32 ARTICLE 20. ADMINISTRATIVE FINE AND LATE PAYMENT FEE FOR A
67-33 VIOLATION OF A PARKING RULE APPLICABLE TO THE CAPITOL COMPLEX

67-34 SECTION 20.01. Subsections (a), (b), and (d), Section
67-35 411.067, Government Code, are amended to read as follows:

67-36 (a) The department may [~~shall have authority to~~] adopt rules
67-37 for the assessment of an administrative fine of \$25 [~~\$10~~] for
67-38 violations of the parking rules adopted under Section 411.063.
67-39 Notwithstanding the provisions of Sections 411.065 and 411.066, the
67-40 department may [~~in its discretion~~] issue an administrative citation
67-41 for a parking violation.

67-42 (b) Rules adopted under this section shall:

67-43 (1) establish a system for enforcement of
67-44 administrative citations, including [~~but not limited to~~]
67-45 assessment of a late fee not to exceed \$5 [~~\$2~~] and towing,
67-46 impoundment, or immobilization of vehicles; and

67-47 (2) provide [~~for~~] a procedure of administrative review
67-48 within the highway patrol district that includes the Capitol
67-49 Complex [~~capitol police district~~] and, on request of the person
67-50 assessed an administrative fine, further judicial review by the
67-51 department filing the appropriate citation or complaint in a court
67-52 [~~of competent jurisdiction~~], as provided in Section 411.066.

67-53 (d) The department shall remit to the comptroller for
67-54 deposit in the general revenue fund each [~~any~~] administrative fine
67-55 and late fee collected [~~received~~] under this section. The money
67-56 deposited [~~Such revenues~~] may be appropriated only to the
67-57 department for [~~capitol police~~] security and parking in the highway
67-58 patrol district that includes the Capitol Complex.

67-59 SECTION 20.02. This article takes effect September 1, 2009.

67-60 ARTICLE 21. EFFECTIVE DATE

67-61 SECTION 21.01. Except as otherwise provided by this Act,
67-62 this Act takes effect September 1, 2009.

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