

By: Naishtat

H.B. No. 3499

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an exemption from private security regulation for
3 social workers engaged in the practice of social work.

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

5 SECTION 1. Section 1702.324(b), Occupations Code, is
6 amended to read as follows:

7 (b) This chapter does not apply to:

8 (1) a manufacturer or a manufacturer's authorized
9 distributor while selling equipment intended for resale;

10 (2) a person engaged exclusively in the business of
11 obtaining and providing information to:

12 (A) determine creditworthiness;

13 (B) collect debts; or

14 (C) ascertain the reliability of information
15 provided by an applicant for property, life, or disability
16 insurance or an indemnity or surety bond;

17 (3) a person engaged exclusively in the business of
18 repossessing property that is secured by a mortgage or other
19 security interest;

20 (4) a person who is engaged in the business of
21 psychological testing or other testing and interviewing services,
22 including services to determine attitudes, honesty, intelligence,
23 personality, and skills, for preemployment purposes;

24 (5) a person who:

1 (A) is engaged in obtaining information that is a
2 public record under Chapter 552, Government Code, regardless of
3 whether the person receives compensation;

4 (B) is not a full-time employee, as defined by
5 Section 61.001, Labor Code, of a person licensed under this
6 chapter; and

7 (C) does not perform any other act that requires
8 a license under this chapter;

9 (6) a licensed engineer practicing engineering or
10 directly supervising engineering practice under Chapter 1001,
11 including forensic analysis, burglar alarm system engineering, and
12 necessary data collection;

13 (7) an employee of a cattle association who inspects
14 livestock brands under the authority granted to the cattle
15 association by the Grain Inspection, Packers and Stockyards
16 Administration of the United States Department of Agriculture;

17 (8) a landman performing activities in the course and
18 scope of the landman's business;

19 (9) an attorney while engaged in the practice of law;

20 (10) a person who obtains a document for use in
21 litigation under an authorization or subpoena issued for a written
22 or oral deposition;

23 (11) an admitted insurer, insurance adjuster, agent,
24 or insurance broker licensed by the state, performing duties in
25 connection with insurance transacted by that person;

26 (12) a person who on the person's own property or on
27 property owned or managed by the person's employer:

1 (A) installs, changes, or repairs a mechanical
2 security device;

3 (B) repairs an electronic security device; or

4 (C) cuts or makes a key for a security device;

5 (13) security personnel, including security contract
6 personnel, working at a commercial nuclear power plant licensed by
7 the United States Nuclear Regulatory Commission;

8 (14) a person or firm licensed as an accountant or
9 accounting firm under Chapter 901, an owner of an accounting firm,
10 or an employee of an accountant or accounting firm while performing
11 services regulated under Chapter 901; ~~or~~

12 (15) a retailer, wholesaler, or other person who sells
13 mechanical security devices, including locks and deadbolts, but who
14 does not:

15 (A) service mechanical security devices for the
16 public outside of the person's premises; or

17 (B) claim to act as a locksmith; or

18 (16) a social worker who holds a license issued under
19 Chapter 505 who is engaged in the practice of social work.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.