

By: Frost

H.B. No. 4137

A BILL TO BE ENTITLED

AN ACT

relating to licensing requirements for persons who sell, install,
service, monitor or respond to certain camera systems.

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

SECTION 1. Chapter 1702, Occupations Code, is amended by
amending Section 1702.002 to read as follows:

Sec. 1702.002. DEFINITIONS. In this chapter:

(1) "Alarm system" means:

(A) electronic equipment and devices designed to
detect or signal:

(i) an unauthorized entry or attempted
entry of a person or object into a residence, business, or area
monitored by the system; or

(ii) the occurrence of a robbery or other
emergency; or

(B) electronic equipment and devices using a
computer or data processor designed to control the access of a
person, vehicle, or object through a door, gate, or entrance into
the controlled area of a residence or business; ~~or~~

~~[(C) a television camera or still camera system
that:~~

~~[(i) records or archives images of property
or individuals in a public or private area of a residence or
business; or~~

1 [~~(ii) is monitored by security personnel or~~
2 ~~services.~~

3 (23) "Camera System" means any device
4 or system of devices used to capture still photographs or any
5 sequence of moving images that: are viewable, captured, recorded
6 or archived; or is monitored by security personnel, a security
7 service, or an alarm company; or provides means to view the still
8 photographs or sequence of moving images from inside or outside a
9 residence, home or business; or may be used to view, detect,
10 capture, record, or archive possible civil or criminal law
11 violations in public or private places.

12 (23-a) For purposes of subdivision
13 (23), the term "Camera System" does not include any device or system
14 of devices used to capture electronic pictures or images that is
15 used exclusively for the purpose of viewing and monitoring traffic
16 conditions on public roads; or is used exclusively to detect motor
17 vehicle violations on public roads; or is used exclusively for
18 telephone or video conferencing; or is used exclusively to monitor
19 a manufacturing process; or is used exclusively for medical
20 purposes by medical practitioners; or is used exclusively by a
21 courtroom reporter for the purposes of recording and archiving
22 depositions or testimonies.

23 SECTION 2. Chapter 1702, Occupations Code, is amended by
24 adding Section 1702.1057 to read as follows: Sec. 1702.1057 CAMERA
25 SYSTEMS COMPANY. (a) Unless a person holds a license as a security
26 services contractor, a person may not sell, offer to sell, install,
27 service, monitor, or respond to a Camera System.

1 SECTION 3. Section 1702, Occupations Code, is amended by
2 amending Section 1702.102 to read as follows:

3 Sec. 1702.102. SECURITY SERVICES CONTRACTOR LICENSE
4 REQUIRED; SCOPE OF LICENSE. (a) Unless the person holds a license
5 as a security services contractor, a person may not:

6 (1) act as an alarm systems company, armored car
7 company, camera systems company, courier company, guard company,
8 guard dog company, locksmith company, or private security
9 consultant company;

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

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

14 SECTION 4. Section 1702, Occupations Code, is amended by
15 amending Section 1702.328 to read as follows: Sec. 1702.328.
16 SECURITY SYSTEMS SALES AND INSTALLATION. This chapter does not
17 apply to:

18 (1) a person who owns and installs a burglar detection
19 electronic access control device, lock, camera system or alarm
20 device on the person's own property or, [~~if the person does not~~
21 ~~charge for the device or the installation~~], installs the device for
22 the protection of the person's personal property located on another
23 person's property and does not, as a normal business practice,
24 install the devices on the property of another, and who does not
25 perform any other act that requires a license under this chapter;

26 (2) a person in the business of building construction
27 that installs electrical wiring and devices that may include in

1 part the installation of a burglar alarm, electronic access control
2 device, lock, camera system or detection device if:

3 (A) the person is a party to a contract that
4 provides that:

5 (i) the installation will be performed,
6 [~~under the direct supervision of, and~~] inspected and certified by,
7 a person licensed to install and certify the alarm, electronic
8 access control device, lock, camera system or detection device; and

9 (ii) the license holder assumes full
10 responsibility for the installation of the alarm or detection
11 device; and

12 (B) the person does not service or maintain alarm
13 systems, electronic access control devices, locks, camera systems
14 or detection devices, or any other device or service regulated by
15 this chapter;

16 (3) a person who sells or installs automobile burglar
17 alarm devices and who does not perform any other act that requires a
18 license under this chapter; or

19 (4) a person who sells exclusively by e-commerce, over
20 the counter transactions, or mail order, alarm systems, electronic
21 access control devices, locks, or detection devices, and who does
22 not perform any other act that requires a license under this
23 chapter.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.