

By: Hinojosa

S.B. No. 1017

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Department of
3 Public Safety of the State of Texas and the Texas Private Security
4 Board.

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

6 ARTICLE 1. CHANGES TO VEHICLE INSPECTION PROGRAM

7 SECTION 1.01. Subchapter A, Chapter 548, Transportation
8 Code, is amended by adding Section 548.008 to read as follows:

9 Sec. 548.008. VEHICLE INSPECTION PROGRAM DIRECTOR. (a)

10 The vehicle inspection program is managed by a program director.

11 The program director may not be a commissioned officer.

12 (b) The office of the vehicle inspection program director
13 must be located in Austin, Texas.

14 (c) The duties of the program director include:

15 (1) responsibility for the quality of the vehicle
16 inspection program;

17 (2) coordination of the regional offices;

18 (3) compilation of regional and statewide performance
19 data;

20 (4) the establishment of best practices and
21 distribution of those practices to the regional offices;

22 (5) setting goals for the entire program, in
23 consultation with the public safety director or the public safety
24 director's designee, and setting goals for each regional office in

1 consultation with the regional managers;
2 (6) monitoring the progress toward the goals set in
3 Subdivision (5) and evaluating the program based on that progress;
4 and
5 (7) coordination with the Texas Highway Patrol to
6 enforce provisions related to vehicle inspection.
7 (d) The regional offices shall make reports as requested by
8 the program director.

9 ARTICLE 2. DIVISION OF EMERGENCY MANAGEMENT

10 PART A. ORGANIZATION OF DIVISION

11 SECTION 2A.01. Section 418.004, Government Code, is amended
12 by amending Subdivision (2) and adding Subdivision (9) to read as
13 follows:

14 (2) "Division" means the Texas Division of Emergency
15 Management [~~division of emergency management in the office of the~~
16 ~~governor~~].

17 (9) "Department" means the Department of Public Safety
18 of the State of Texas.

19 SECTION 2A.02. Sections 418.041(a), (b), and (c),
20 Government Code, are amended to read as follows:

21 (a) The Texas Division of Emergency Management [~~division of~~
22 ~~emergency management~~] is a division of the department [~~office of~~
23 ~~the governor~~].

24 (b) The division is managed by a chief [~~director~~] appointed
25 by the public safety director of the department, with the approval
26 of the governor. The chief [~~director~~] serves at the pleasure of the
27 public safety director [~~governor~~].

1 (c) At least once every two months, the following shall meet
2 to coordinate efforts, prevent overlap of activities, and ensure
3 that the state's approach to emergency management and homeland
4 security is unified:

5 (1) a representative of the department;

6 (2) a representative of the division;

7 (3) a representative of the governor's office of
8 homeland security;

9 (4) the presiding officer of the Homeland Security
10 Council; and

11 (5) a state agency representative from the emergency
12 management council, selected by the chair of the emergency
13 management council. [The director shall appoint a state
14 coordinator.]

15 SECTION 2A.03. Section 418.072, Government Code, is amended
16 to read as follows:

17 Sec. 418.072. DISASTER EMERGENCY FUNDING BOARD. The
18 disaster emergency funding board is composed of:

19 (1) the governor;

20 (2) the lieutenant governor;

21 (3) the commissioner of insurance;

22 (4) the executive commissioner of the Health and
23 [Department of] Human Services Commission; and

24 (5) the chief [~~director~~] of the division.

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

27 (b) If a gift, grant, or loan is accepted by the state, the

1 governor, or the emergency management council or chief of the
2 division [~~state coordinator~~] if designated by the governor, may
3 dispense the gift, grant, or loan directly to accomplish the
4 purpose for which it was made or may allocate and transfer to a
5 political subdivision services, equipment, supplies, materials, or
6 funds in the amount the governor or the governor's designee may
7 determine.

8 PART B. CONFORMING AMENDMENTS REFLECTING DIVISION'S NAME CHANGE

9 SECTION 2B.01. Section 12.0012, Agriculture Code, is
10 amended to read as follows:

11 Sec. 12.0012. NOTIFICATION. The department shall, upon
12 submission for publication, notify the Texas Division of Emergency
13 Management [~~division of emergency management in the office of the~~
14 ~~governor~~] of each quarantine it adopts. The department shall
15 thereafter cooperate with the Texas Division of Emergency
16 Management [~~division of emergency management~~] in implementing any
17 necessary safeguards to protect the state's agricultural resources
18 from potential economic, health, or ecological disaster that may
19 result from the quarantined pest or disease.

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

22 (a) Notwithstanding any other law, during any period in
23 which Texas Task Force 1 is activated by the Texas Division of
24 Emergency Management [~~governor's division of emergency~~
25 ~~management~~], or during any training session sponsored or sanctioned
26 by Texas Task Force 1, a participating nongovernment member or
27 local government employee member is included in the coverage

1 provided under Chapter 501, Labor Code, in the same manner as an
2 employee, as defined by Section 501.001, Labor Code.

3 (d) Notwithstanding Section 412.0123, Labor Code, as added
4 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
5 1997, the Texas Division of Emergency Management [~~governor's~~
6 ~~division of emergency management~~] shall reimburse the State Office
7 of Risk Management for the actual medical and indemnity benefits
8 paid on behalf of a covered member of Texas Task Force 1 at the
9 beginning of the next state fiscal year occurring after the date the
10 benefits are paid.

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

13 (e) An executive order or proclamation shall be
14 disseminated promptly by means intended to bring its contents to
15 the attention of the general public. An order or proclamation shall
16 be filed promptly with the division [~~of emergency management~~], the
17 secretary of state, and the county clerk or city secretary in each
18 area to which it applies unless the circumstances attendant on the
19 disaster prevent or impede the filing.

20 SECTION 2B.04. The heading to Subchapter C, Chapter 418,
21 Government Code, is amended to read as follows:

22 SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

23 SECTION 2B.05. Section 418.073(d), Government Code, is
24 amended to read as follows:

25 (d) The [~~governor's~~] division [~~of emergency management~~]
26 shall administer the disaster contingency fund and shall develop
27 and implement rules and procedures for providing emergency

1 assistance from the fund.

2 SECTION 2B.06. Section 421.021(a), Government Code, is
3 amended to read as follows:

4 (a) The Homeland Security Council is composed of the
5 governor or the governor's designee and one representative of each
6 of the following entities, appointed by the single statewide
7 elected or appointed governing officer, administrative head, or
8 chair, as appropriate, of the entity:

- 9 (1) Department of Agriculture;
- 10 (2) office of the attorney general;
- 11 (3) General Land Office;
- 12 (4) Public Utility Commission of Texas;
- 13 (5) Department of State Health Services;
- 14 (6) Department of Information Resources;
- 15 (7) Department of Public Safety of the State of Texas;
- 16 (8) Texas Division of Emergency Management [~~division~~
17 ~~of emergency management of the office of the governor~~];
- 18 (9) adjutant general's department;
- 19 (10) Texas Commission on Environmental Quality;
- 20 (11) Railroad Commission of Texas;
- 21 (12) Texas Strategic Military Planning Commission;
- 22 (13) Texas Department of Transportation;
- 23 (14) Commission on State Emergency Communications;
- 24 (15) Office of State-Federal Relations;
- 25 (16) secretary of state;
- 26 (17) Senate Committee on Transportation and Homeland
27 Security;

- 1 (18) House Committee on Defense Affairs and
2 State-Federal Relations;
- 3 (19) Texas Animal Health Commission;
- 4 (20) Texas Association of Regional Councils;
- 5 (21) Texas Commission on Law Enforcement Officer
6 Standards and Education;
- 7 (22) state fire marshal's office;
- 8 (23) Texas Education Agency;
- 9 (24) Texas Commission on Fire Protection;
- 10 (25) Parks and Wildlife Department;
- 11 (26) Texas Forest Service; and
- 12 (27) Texas Water Development Board.

13 SECTION 2B.07. Section 661.907(b), Government Code, is
14 amended to read as follows:

15 (b) The number of certified disaster service volunteers who
16 are eligible for leave under this section may not exceed 350 state
17 employees at any one time during a fiscal year. The Texas Division
18 of Emergency Management [~~division of emergency management in the~~
19 ~~governor's office~~] shall coordinate the establishment and
20 maintenance of the list of eligible employees.

21 SECTION 2B.08. Section 661.919(b), Government Code, is
22 amended to read as follows:

23 (b) The number of amateur radio operators who are eligible
24 for leave under this section may not exceed 350 state employees at
25 any one time during a state fiscal year. The Texas Division of
26 Emergency Management [~~division of emergency management in the~~
27 ~~governor's office~~] shall coordinate the establishment and

1 maintenance of the list of eligible employees.

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

4 (5) "Employee" means a person who is:

5 (A) in the service of the state pursuant to an
6 election, appointment, or express oral or written contract of hire;

7 (B) paid from state funds but whose duties
8 require that the person work and frequently receive supervision in
9 a political subdivision of the state;

10 (C) a peace officer employed by a political
11 subdivision, while the peace officer is exercising authority
12 granted under:

13 (i) Article 2.12, Code of Criminal
14 Procedure; or

15 (ii) Articles 14.03(d) and (g), Code of
16 Criminal Procedure;

17 (D) a member of the state military forces, as
18 defined by Section 431.001, Government Code, who is engaged in
19 authorized training or duty; or

20 (E) a Texas Task Force 1 member, as defined by
21 Section 88.301, Education Code, who is activated by the Texas
22 Division of Emergency Management [~~governor's division of emergency~~
23 ~~management~~] or is injured during any training session sponsored or
24 sanctioned by Texas Task Force 1.

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

27 (a) The chief [~~coordinator~~] of the Texas Division of

1 Emergency Management [~~division of emergency management of the~~
2 ~~office of the governor~~] is the state drought manager. The state
3 drought manager is responsible for managing and coordinating the
4 drought response component of the state water plan.

5 (b) The drought preparedness council is created and shall
6 meet as necessary to carry out the provisions of this section. The
7 council is composed of one representative from each of the
8 following entities, appointed by the administrative head of that
9 entity:

- 10 (1) the Texas Division of Emergency Management
11 [~~division of emergency management of the office of the governor~~];
- 12 (2) the board;
- 13 (3) the commission;
- 14 (4) the Parks and Wildlife Department;
- 15 (5) the Department of Agriculture;
- 16 (6) the Texas AgriLife [~~Agricultural~~] Extension
17 Service;
- 18 (7) the State Soil and Water Conservation Board;
- 19 (8) the Texas Department of Housing and Community
20 Affairs;
- 21 (9) the Texas Forest Service;
- 22 (10) the Texas Department of Transportation;
- 23 (11) the Texas Department of Economic Development; and
- 24 (12) a representative of groundwater management
25 interests who is appointed by the governor.

26 SECTION 2B.11. Section 1(3), Chapter 350 (S.B. 1101), Acts
27 of the 71st Legislature, Regular Session, 1989 (Article 6419c,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

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

5 SECTION 2B.12. A reference in law or a rule to the
6 "governor's division of emergency management" or the "division of
7 emergency management in the office of the governor" means the Texas
8 Division of Emergency Management in the Department of Public Safety
9 of the State of Texas.

10 ARTICLE 3. ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE FOR
11 INTOXICATION OFFENSES

12 SECTION 3.01. Section 524.038, Transportation Code, is
13 amended by amending Subsection (d) and adding Subsection (e) to
14 read as follows:

15 (d) An affidavit from an expert witness [~~a person~~] whose
16 presence is timely requested [~~under this section~~] is inadmissible
17 if the expert witness [~~person~~] fails to appear at a hearing without
18 a showing of good cause. Otherwise, an affidavit under this section
19 may be submitted in lieu of an appearance at the hearing by the
20 [~~breath test operator, breath test technical supervisor, or~~] expert
21 witness.

22 (e) An affidavit from a breath test operator or breath test
23 technical supervisor is admissible unless the judge determines that
24 justice requires the breath test operator or breath test technical
25 supervisor to be present.

26 SECTION 3.02. Section 524.039, Transportation Code, is
27 amended to read as follows:

1 Sec. 524.039. APPEARANCE OF TECHNICIANS AT HEARING. (a)
2 Not [~~Notwithstanding Section 524.038, if not~~] later than the fifth
3 day before the date of a scheduled hearing, [~~the department~~
4 ~~receives from~~] the person who requested a hearing may apply to the
5 State Office of Administrative Hearings to issue a subpoena for the
6 attendance [~~written notice, including a facsimile transmission,~~
7 ~~requesting the presence at the hearing~~] of the breath test operator
8 who took the specimen of the person's breath to determine alcohol
9 concentration or the certified breath test technical supervisor
10 responsible for maintaining and directing the operation of the
11 breath test instrument used to analyze the specimen of the person's
12 breath, or both[~~, each requested person must appear at the~~
13 ~~hearing~~]. The State Office of Administrative Hearings shall issue
14 the subpoena only on a showing of good cause.

15 (b) The department may reschedule a hearing once not less
16 than 48 hours before the hearing if a [~~the~~] person subpoenaed
17 [~~requested to attend~~] under Subsection (a) is unavailable. The
18 department may also reschedule the hearing on showing good cause
19 that a [~~the~~] person subpoenaed [~~requested~~] under Subsection (a) is
20 not available at the time of the hearing.

21 ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

22 SECTION 4.01. Section 1702.002, Occupations Code, is
23 amended by amending Subdivisions (2), (3), (5), (11), (12), (13),
24 (17), (19), (20), and (21) and adding Subdivision (6-b) to read as
25 follows:

26 (2) "Branch office" means an office that is:

27 (A) identified to the public as a place from

1 which business is conducted, solicited, or advertised; and

2 (B) at a place other than the principal place of
3 business as shown in board [~~commission~~] records.

4 (3) "Branch office license" means a permit issued by
5 the board [~~commission~~] that entitles a person to operate at a branch
6 office as a security services contractor or investigations company.

7 (5) "Commissioned security officer" means a security
8 officer to whom a security officer commission has been issued by the
9 board [~~commission~~].

10 (6-b) "Endorsement" means a permit entitling an
11 individual holding a registration to perform a service regulated by
12 this chapter for an appropriately licensed company.

13 (11) "Letter of authority" means a permit issued by
14 the board [~~commission~~] that entitles the security department of a
15 private business or a political subdivision to employ a
16 commissioned security officer.

17 (12) "License" means a permit issued by the board
18 [~~commission~~] that entitles a person to operate as a security
19 services contractor or investigations company.

20 (13) "License holder" means a person to whom the board
21 [~~commission~~] issues a license.

22 (17) "Personal protection officer endorsement
23 [~~authorization~~]" means a permit issued by the board [~~commission~~]
24 that entitles an individual to act as a personal protection
25 officer.

26 (19) "Registrant" means an individual who has
27 registered with the board [~~commission~~] under Section 1702.221.

1 (20) "Registration" means a permit issued by the board
2 [~~commission~~] to an individual described by Section 1702.221.

3 (21) "Security officer commission" means an
4 authorization issued by the board [~~commission~~] that entitles a
5 security officer to carry a firearm.

6 SECTION 4.02. Section 1702.004, Occupations Code, is
7 amended to read as follows:

8 Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The board,
9 in addition to performing duties required by other law or
10 exercising powers granted by other law:

11 (1) licenses investigations companies and security
12 services contractors;

13 (2) issues commissions to certain security officers;

14 (3) issues endorsements [~~authorizations~~] to certain
15 security officers engaged in the personal protection of
16 individuals;

17 (4) registers and endorses:

18 (A) certain individuals connected with a license
19 holder; and

20 (B) certain individuals employed in a field
21 connected to private investigation or private security; and

22 (5) regulates license holders, security officers,
23 [~~and~~] registrants, and endorsement holders under this chapter.

24 (b) The board shall adopt rules necessary to comply with
25 Chapter 53 [~~does not apply to this chapter or to any licensing,~~
26 ~~regulatory, or disciplinary determinations made under this~~
27 ~~chapter~~]. In its rules under this section, the board shall list the

1 specific offenses for each category of regulated persons for which
2 a conviction would constitute grounds for the board to take action
3 under Section 53.021.

4 SECTION 4.03. The heading to Subchapter B, Chapter 1702,
5 Occupations Code, is amended to read as follows:

6 SUBCHAPTER B. TEXAS [~~COMMISSION ON~~] PRIVATE SECURITY BOARD

7 SECTION 4.04. Section 1702.021, Occupations Code, is
8 amended to read as follows:

9 Sec. 1702.021. BOARD [~~COMMISSION~~] MEMBERSHIP. (a) The
10 Texas Private Security Board consists of seven members appointed by
11 the governor with the advice and consent of the senate as follows:

12 (1) four public members, each of whom is a citizen of
13 the United States;

14 (2) one member who is licensed under this chapter as a
15 private investigator;

16 (3) one member who is licensed under this chapter as an
17 alarm systems company; and

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

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

23 (c) On presentation by a board [~~commission~~] member of the
24 constitutional oath taken by the member, together with the
25 certificate of appointment, the secretary of state shall issue a
26 commission to the member as evidence of the member's authority to
27 act as a board [~~commission~~] member.

1 SECTION 4.05. Section 1702.023, Occupations Code, is
2 amended to read as follows:

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

7 (1) is registered, commissioned, certified, or
8 licensed by a regulatory agency in the field of private
9 investigations or private security;

10 (2) is employed by or participates in the management
11 of a business entity or other organization regulated by or
12 receiving money from the board [~~commission~~];

13 (3) owns or controls, directly or indirectly, more
14 than a 10 percent interest in a business entity or other
15 organization regulated by or receiving money from the board
16 [~~commission~~]; or

17 (4) uses or receives a substantial amount of tangible
18 goods, services, or money from the board [~~commission~~] other than
19 compensation or reimbursement authorized by law for board
20 [~~commission~~] membership, attendance, or expenses.

21 SECTION 4.06. Sections 1702.024(b) and (c), Occupations
22 Code, are amended to read as follows:

23 (b) A person may not be a board [~~commission~~] member and may
24 not be a board [~~commission~~] employee employed in a "bona fide
25 executive, administrative, or professional capacity," as that
26 phrase is used for purposes of establishing an exemption to the
27 overtime provisions of the federal Fair Labor Standards Act of 1938

1 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

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

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

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

13 SECTION 4.07. Section 1702.027, Occupations Code, is
14 amended to read as follows:

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

17 (1) does not have the qualifications required by
18 Section 1702.021 at the time of taking office;

19 (2) does not maintain the qualifications required by
20 Section 1702.021 during service on the board [~~commission~~];

21 (3) is ineligible for membership under Section
22 1702.023 or 1702.024;

23 (4) cannot, because of illness or disability,
24 discharge the member's duties for a substantial part of the member's
25 term; or

26 (5) is absent from more than half of the regularly
27 scheduled board [~~commission~~] meetings that the member is eligible

1 to attend during a calendar year without an excuse approved by a
2 majority vote of the board [~~commission~~].

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

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

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

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

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

1 SECTION 4.09. Section 1702.029, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.029. MEETINGS. The board [~~commission~~] shall meet
4 at regular intervals to be decided by the board [~~commission~~].

5 SECTION 4.10. Section 1702.030, Occupations Code, is
6 amended to read as follows:

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

12 (b) The training program must provide the person with
13 information regarding:

14 (1) this chapter;

15 (2) the programs operated by the board [~~commission~~];

16 (3) the role and functions of the board [~~commission~~];

17 (4) the rules of the board [~~commission~~], with an
18 emphasis on the rules that relate to disciplinary and investigatory
19 authority;

20 (5) the current budget for the board [~~commission~~];

21 (6) the results of the most recent formal audit of the
22 board [~~commission~~];

23 (7) the requirements of:

24 (A) the open meetings law, Chapter 551,
25 Government Code;

26 (B) the public information law, Chapter 552,
27 Government Code;

1 (C) the administrative procedure law, Chapter
2 2001, Government Code; and

3 (D) other laws relating to public officials,
4 including conflict of interest laws; and

5 (8) any applicable ethics policies adopted by the
6 board [~~commission~~] or the Texas Ethics Commission.

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

12 SECTION 4.11. Section 1702.041, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.041. DIRECTOR. (a) The director is the chief
15 administrator of the board [~~commission~~]. The director shall
16 perform duties as prescribed by the board [~~commission~~].

17 (b) The director is a full-time employee of the board
18 [~~commission~~]. A board [~~commission~~] member may not serve as
19 director.

20 SECTION 4.12. Section 1702.042, Occupations Code, is
21 amended to read as follows:

22 Sec. 1702.042. PERSONNEL; CONFLICT OF INTEREST. An
23 employee of the board [~~commission~~] may not:

24 (1) have a financial or business interest, contingent
25 or otherwise, in a security services contractor or investigations
26 company; or

27 (2) be licensed under this chapter.

1 SECTION 4.13. Section 1702.043, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.043. DIVISION OF RESPONSIBILITIES. The board
4 [~~commission~~] shall develop and implement policies that clearly
5 separate the policy-making responsibilities of the board
6 [~~commission~~] and the management responsibilities of the director
7 and staff of the board [~~commission~~].

8 SECTION 4.14. Section 1702.044, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT
11 INFORMATION. The director or the director's designee shall provide
12 to board [~~commission~~] members and to agency employees, as often as
13 necessary, information regarding the requirements for office or
14 employment under this chapter, including information regarding a
15 person's responsibilities under applicable laws relating to
16 standards of conduct for state officers or employees.

17 SECTION 4.15. Section 1702.045(b), Occupations Code, is
18 amended to read as follows:

19 (b) The director or the director's designee shall develop a
20 system of annual performance evaluations. All merit pay for board
21 [~~commission~~] employees must be based on the system established
22 under this subsection.

23 SECTION 4.16. Section 1702.046(a), Occupations Code, is
24 amended to read as follows:

25 (a) The director or the director's designee shall prepare
26 and maintain a written policy statement that implements an equal
27 employment opportunity program to ensure that all personnel

1 decisions are made without regard to race, creed, color,
2 disability, sex, religion, age, or national origin. The policy
3 statement must include:

4 (1) personnel policies, including policies related to
5 recruitment, evaluation, selection, training, and promotion of
6 personnel, that show the intent of the board [~~commission~~] to avoid
7 the unlawful employment practices described by Chapter 21, Labor
8 Code; and

9 (2) an analysis of the extent to which the composition
10 of the board's [~~commission's~~] personnel is in accordance with
11 federal and state law and a description of reasonable methods to
12 achieve compliance with federal and state law.

13 SECTION 4.17. The heading to Subchapter D, Chapter 1702,
14 Occupations Code, is amended to read as follows:

15 SUBCHAPTER D. POWERS AND DUTIES OF BOARD [~~COMMISSION~~]

16 SECTION 4.18. Section 1702.061, Occupations Code, is
17 amended to read as follows:

18 Sec. 1702.061. GENERAL POWERS AND DUTIES OF BOARD
19 [~~COMMISSION~~]. (a) The board [~~Texas Commission on Private~~
20 ~~Security~~] shall perform the functions and duties provided by this
21 chapter.

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

24 (c) The rules and policies adopted by the board [~~commission~~]
25 under Subsection (b) must be consistent with this chapter and other
26 board [~~commission~~] rules adopted under this chapter and with any
27 other applicable law, state rule, or federal regulation.

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

2 (1) determine the qualifications of license holders,
3 registrants, endorsement holders, and commissioned security
4 officers;

5 (2) investigate alleged violations of this chapter and
6 of board [~~commission~~] rules;

7 (3) adopt rules necessary to implement this chapter;
8 and

9 (4) establish and enforce standards governing the
10 safety and conduct of each person licensed, registered, or
11 commissioned under this chapter.

12 (e) The board [~~commission~~] shall have a seal in the form
13 prescribed by the board [~~commission~~].

14 (f) The board [~~commission~~] may commission investigators who
15 are employed full-time by the board [~~commission~~] as peace officers
16 for the limited purpose of assisting the board [~~commission~~] in
17 investigating alleged violations of this chapter and of board
18 [~~commission~~] rules.

19 SECTION 4.19. Subchapter D, Chapter 1702, Occupations Code,
20 is amended by adding Section 1702.0612 to read as follows:

21 Sec. 1702.0612. NEGOTIATED RULEMAKING AND ALTERNATIVE
22 DISPUTE RESOLUTION. (a) The board shall develop and implement a
23 policy to encourage the use of:

24 (1) negotiated rulemaking procedures under Chapter
25 2008, Government Code, for the adoption of board rules; and

26 (2) appropriate alternative dispute resolution
27 procedures under Chapter 2009, Government Code, to assist in the

1 resolution of internal and external disputes under the board's
2 jurisdiction.

3 (b) The board's procedures relating to alternative dispute
4 resolution must conform, to the extent possible, to any model
5 guidelines issued by the State Office of Administrative Hearings
6 for the use of alternative dispute resolution by state agencies.

7 (c) The board shall designate a trained person to:

8 (1) coordinate the implementation of the policy
9 adopted under Subsection (a);

10 (2) serve as a resource for any training needed to
11 implement the procedures for negotiated rulemaking or alternative
12 dispute resolution; and

13 (3) collect data concerning the effectiveness of those
14 procedures, as implemented by the board.

15 SECTION 4.20. Section 1702.062, Occupations Code, is
16 amended to read as follows:

17 Sec. 1702.062. FEES. (a) The board shall recommend to the
18 Public Safety Commission [~~commission by rule shall establish~~]
19 reasonable and necessary fees that produce sufficient revenue to
20 administer this chapter. The Public Safety Commission shall
21 establish the fee amounts by rule. The fees may not produce
22 unnecessary fund balances. [~~and may not exceed the following~~
23 ~~amounts:~~

24 [~~Class A license~~ ~~_____~~ ~~\$350 (original and renewal)~~]

25 [~~Class B license~~ ~~_____~~ ~~\$400 (original and renewal)~~]

26 [~~Class C license~~ ~~_____~~ ~~\$540 (original and renewal)~~]

27 [~~Class D license~~ ~~_____~~ ~~\$400 (original and renewal)~~]

1	[Reinstate suspended license	\$150
2	[Assignment of license	\$150
3	[Change name of license	\$ 75
4	[Delinquency fee	_____
5	[Branch office certificate and renewal	\$300
6	[Registration fee for private investigator, manager, branch	
7	office manager, locksmith, electronic access control device	
8	installer, and alarm systems installer \$ 30 (original and renewal)	
9	[Registration fee for noncommissioned security officer	\$ 30
10	(original and renewal)	
11	[Registration fee for security salesperson	\$ 30
12	[Registration fee for alarm systems monitor	\$ 30
13	[Registration fee for dog trainer	\$ 30
14	[Registration fee for owner, officer, partner, or	
15	shareholder of a license holder	\$ 50
16	[Registration fee for security consultant	\$300
17	[Registration fee for employee of license holder	\$ 30
18	[Security officer commission fee	\$ 50
19	(original and renewal)	
20	[School instructor fee	\$100
21	(original and renewal)	
22	[School approval fee	\$350
23	(original and renewal)	
24	[Letter of authority fee for private business and political	
25	subdivision	\$400
26	[Letter of authority renewal fee for private business and	
27	political subdivision	\$225

1	[Letter of authority fee for commissioned officer,	
2	noncommissioned officer, or personal protection officer for	
3	political subdivision	\$ 10
4	[FBI fingerprint check	\$ 25
5	[Duplicate pocket card	\$ 10
6	[Employee information update fee	\$ 15
7	[Burglar alarm sellers renewal fee	\$ 30
8	[Personal protection officer authorization	\$ 50]

9 (b) The board ~~[In addition to other fees established under~~
10 ~~this chapter, the commission]~~ may charge a fee each time the board
11 ~~[commission]~~ requires a person regulated under this chapter to
12 resubmit a set of fingerprints for processing by the board
13 ~~[commission]~~ during the application process for a license,
14 registration, endorsement, or commission. The Public Safety
15 Commission, after receiving a recommendation from the board,
16 ~~[commission]~~ shall set the fee in an amount that is reasonable and
17 necessary to cover the ~~[commission's]~~ administrative expenses
18 related to processing the fingerprints.

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

22 SECTION 4.21. The heading to Section 1702.063, Occupations
23 Code, is amended to read as follows:

24 Sec. 1702.063. BOARD ~~[COMMISSION]~~ USE OF FINES.

25 SECTION 4.22. Section 1702.0635, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The board

1 [~~commission~~] may not adopt rules or establish unduly restrictive
2 experience or education requirements that limit a person's ability
3 to be licensed as an electronic access control device company or be
4 registered as an electronic access control device installer.

5 SECTION 4.23. Section 1702.064, Occupations Code, is
6 amended to read as follows:

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

12 (b) The board [~~commission~~] may not include in its rules to
13 prohibit false, misleading, or deceptive practices by a person
14 regulated by the board [~~commission~~] a rule that:

15 (1) restricts the person's use of any medium for
16 advertising;

17 (2) restricts the person's personal appearance or use
18 of the person's personal voice in an advertisement;

19 (3) relates to the size or duration of an
20 advertisement by the person; or

21 (4) restricts the person's advertisement under a trade
22 name.

23 SECTION 4.24. Section 1702.0645, Occupations Code, is
24 amended to read as follows:

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

1 (b) Rules adopted under this section may:

2 (1) authorize the use of electronic funds transfer or
3 a valid credit card issued by a financial institution chartered by a
4 state or the federal government or by a nationally recognized
5 credit organization approved by the board [~~commission~~]; and

6 (2) require the payment of a discount or a reasonable
7 service charge for a credit card payment in addition to the fee or
8 the fine.

9 SECTION 4.25. Section 1702.066, Occupations Code, is
10 amended to read as follows:

11 Sec. 1702.066. SERVICE OF PROCESS; SERVICE OF DOCUMENTS ON
12 BOARD [~~COMMISSION~~]. Legal process and documents required by law to
13 be served on or filed with the board [~~commission~~] must be served on
14 or filed with the director at the designated office of the board
15 [~~commission~~].

16 SECTION 4.26. Section 1702.067, Occupations Code, is
17 amended to read as follows:

18 Sec. 1702.067. BOARD [~~COMMISSION~~] RECORDS; EVIDENCE. An
19 official record of the board [~~commission~~] or an affidavit by the
20 director as to the content of the record is prima facie evidence of
21 a matter required to be kept by the board [~~commission~~].

22 SECTION 4.27. Section 1702.068, Occupations Code, is
23 amended to read as follows:

24 Sec. 1702.068. APPEAL BOND NOT REQUIRED. The board
25 [~~commission~~] is not required to give an appeal bond in any cause
26 arising under this chapter.

27 SECTION 4.28. Section 1702.069, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.069. ANNUAL REPORT. The board [~~commission~~] shall
3 file annually with the governor and the presiding officer of each
4 house of the legislature a complete and detailed written report
5 accounting for all money received and disbursed by the board
6 [~~commission~~] in the preceding fiscal year. The form of the annual
7 report and the reporting time are as provided in the General
8 Appropriations Act.

9 SECTION 4.29. Section 1702.081, Occupations Code, is
10 amended to read as follows:

11 Sec. 1702.081. PUBLIC INTEREST INFORMATION. (a) The board
12 [~~commission~~] shall prepare information of interest to consumers or
13 recipients of services regulated under this chapter describing the
14 board's [~~commission's~~] regulatory functions and the procedures by
15 which complaints are filed with and resolved by the board
16 [~~commission~~].

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

19 SECTION 4.30. Section 1702.082, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.082. COMPLAINTS. (a) The board [~~commission by~~
22 ~~rule shall establish methods by which consumers and service~~
23 ~~recipients are notified of the name, mailing address, and telephone~~
24 ~~number of the commission for the purpose of directing complaints to~~
25 ~~the commission. The commission may provide for that notice.~~

26 [~~(1) on each registration form, application, or~~
27 ~~written contract for services of a person regulated under this~~

1 ~~chapter,~~

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

4 ~~[(3) in a bill for services provided by a person~~
5 ~~regulated under this chapter.~~

6 ~~[(b) The commission]~~ shall maintain a system to promptly and
7 efficiently act on complaints ~~[file on each written complaint]~~
8 filed with the board ~~[commission]~~. The board shall maintain
9 information about parties to the complaint, ~~[file must include:~~

10 ~~[(1) the name of the person who filed the complaint,~~

11 ~~[(2) the date the complaint is received by the~~
12 ~~commission,~~

13 ~~[(3)]~~ the subject matter of the complaint, [+]

14 ~~[(4) the name of each person contacted in relation to~~
15 ~~the complaint,~~

16 ~~[(5)]~~ a summary of the results of the review or
17 investigation of the complaint, [+] and its disposition

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

21 (b) ~~[(c)]~~ The board ~~[commission]~~ shall make information
22 available describing its ~~[provide to the person filing the~~
23 ~~complaint a copy of the commission's policies and]~~ procedures for
24 [relating to] complaint investigation and resolution.

25 (c) The board shall periodically ~~[(d) Unless it would~~
26 ~~jeopardize an undercover investigation, the commission shall~~
27 ~~provide to each person who is a subject of the complaint a copy of~~

1 ~~the commission's policies and procedures relating to complaint~~
2 ~~investigation and resolution.~~

3 ~~[(c) The commission, at least quarterly until final~~
4 ~~disposition of the complaint, shall] notify the [person filing the]~~
5 complaint parties ~~[and each person who is a subject of the~~
6 ~~complaint]~~ of the status of the complaint until final disposition
7 ~~[investigation unless the notice would jeopardize an undercover~~
8 ~~investigation].~~

9 SECTION 4.31. Section 1702.083, Occupations Code, is
10 amended to read as follows:

11 Sec. 1702.083. PUBLIC PARTICIPATION. The board
12 ~~[commission]~~ shall develop and implement policies that provide the
13 public with a reasonable opportunity to appear before the board
14 ~~[commission]~~ and to speak on any issue under the board's
15 ~~[commission's]~~ jurisdiction.

16 SECTION 4.32. Section 1702.084, Occupations Code, is
17 amended to read as follows:

18 Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF
19 DISCIPLINARY ACTIONS. (a) The board ~~[commission]~~ shall make
20 available to the public through a toll-free telephone number,
21 Internet website, or other easily accessible medium determined by
22 the board ~~[commission]~~ the following information relating to a
23 disciplinary action taken during the preceding three years
24 regarding a person regulated by the board ~~[commission]~~:

- 25 (1) the identity of the person;
26 (2) the nature of the complaint that was the basis of
27 the disciplinary action taken against the person; and

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

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

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

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

12 SECTION 4.33. Section 1702.103, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES.

15 (a) The license classifications are:

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

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

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

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

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

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

26 (7) Class X: government letter of authority license;

27 and

1 (8) Class T: telematics license [~~Class D: electronic~~
2 ~~access control device license, covering operations of an electronic~~
3 ~~access control device company~~].

4 (b) A [~~Class A, B, C, or D~~] license described by this chapter
5 does not authorize the license holder to perform a service for which
6 the license holder has not qualified. A person may not engage in an
7 operation outside the scope of that person's license. The board
8 [~~commission~~] shall indicate on the license the services the license
9 holder is authorized to perform. The license holder may not perform
10 a service unless it is indicated on the license.

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

13 (d) The board [~~commission~~] shall prescribe by rule the
14 procedure under which a license may be terminated.

15 (e) The board by rule may establish other license
16 classifications for activities expressly regulated by this chapter
17 and may establish qualifications and practice requirements
18 consistent with this chapter for those license classifications.

19 SECTION 4.34. Section 1702.110, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.110. APPLICATION FOR LICENSE. An application for
22 a license under this chapter must be in the form prescribed by the
23 board [~~commission~~] and include:

24 (1) the full name and business address of the
25 applicant;

26 (2) the name under which the applicant intends to do
27 business;

1 (3) a statement as to the general nature of the
2 business in which the applicant intends to engage;

3 (4) a statement as to the classification for which the
4 applicant requests qualification;

5 (5) if the applicant is an entity other than an
6 individual, the full name and residence address of each partner,
7 officer, and director of the applicant, and of the applicant's
8 manager;

9 (6) if the applicant is an individual, two
10 classifiable sets of fingerprints of the applicant or, if the
11 applicant is an entity other than an individual, of each officer and
12 of each partner or shareholder who owns at least a 25 percent
13 interest in the applicant;

14 (7) a verified statement of the applicant's experience
15 qualifications in the particular classification in which the
16 applicant is applying;

17 (8) a report from the department [~~Texas Department of~~
18 ~~Public Safety~~] stating the applicant's record of any convictions
19 for a Class B misdemeanor or equivalent offense or a greater
20 offense;

21 (9) the social security number of the individual
22 making the application; and

23 (10) other information, evidence, statements, or
24 documents required by the board [~~commission~~].

25 SECTION 4.35. Section 1702.111, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.111. ISSUANCE OF BRANCH OFFICE LICENSE. (a) A

1 license holder, in accordance with Section 1702.129, shall notify
2 the board [~~commission~~] in writing of the establishment of a branch
3 office and file in writing with the board [~~commission~~] the address
4 of the branch office.

5 (b) On application by a license holder, the board
6 [~~commission~~] shall issue a branch office license.

7 SECTION 4.36. Section 1702.112, Occupations Code, is
8 amended to read as follows:

9 Sec. 1702.112. FORM OF LICENSE. The board [~~commission~~]
10 shall prescribe the form of a license, including a branch office
11 license. The license must include:

- 12 (1) the name of the license holder;
- 13 (2) the name under which the license holder is to
14 operate; and
- 15 (3) the license number and the date the license was
16 issued.

17 SECTION 4.37. Sections 1702.113(a) and (c), Occupations
18 Code, are amended to read as follows:

19 (a) An applicant for a license, certificate of
20 registration, endorsement, or security officer commission or the
21 applicant's manager must be at least 18 years of age and must not:

- 22 (1) [~~have been convicted in any jurisdiction of two or~~
23 ~~more felony offenses, unless full pardons have been granted for all~~
24 ~~convictions for reasons relating to wrongful convictions,~~

25 [(2) ~~have been convicted in any jurisdiction of any of~~
26 ~~the following:~~

- 27 [(A) ~~a single felony or equivalent offense for~~

1 ~~which the 20th anniversary of the date of conviction has not~~
2 ~~occurred before the date of application, unless a full pardon has~~
3 ~~been granted for reasons relating to a wrongful conviction, or~~

4 ~~[(B) a Class A misdemeanor or equivalent offense~~
5 ~~for which the 10th anniversary of the date of conviction has not~~
6 ~~occurred before the date of application, unless a full pardon has~~
7 ~~been granted for reasons relating to a wrongful conviction,]~~

8 ~~[(3)]~~ at the time of application be charged with the
9 commission of a Class A misdemeanor or felony offense, under an
10 information or indictment;

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

14 (2) ~~[(5)]~~ have been found by a court to be incompetent
15 by reason of a mental defect or disease and not have been restored
16 to competency;

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

22 (4) ~~[(7)]~~ be required to register in this or any other
23 state as a sex offender, unless the applicant is approved by the
24 board under Section 1702.3615.

25 (c) For purposes of this section, an offense under the laws
26 of this state, another state, or the United States is considered[+]

27 ~~[(1) a felony if the offense:]~~

1 ~~[(A) at the time of conviction was designated by~~
2 ~~a law of this state as a felony, including a state jail felony;~~

3 ~~[(B) contains all the elements of an offense~~
4 ~~designated by a law of this state as a felony, including a state~~
5 ~~jail felony; or~~

6 ~~[(C) is punishable by confinement for one year or~~
7 ~~more in a penitentiary;~~

8 ~~[(2) a Class A misdemeanor if the offense is not a~~
9 ~~felony and the offense:~~

10 ~~[(A) at the time of conviction was designated by~~
11 ~~a law of this state as a Class A misdemeanor;~~

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

14 ~~[(C) provides as a possible punishment~~
15 ~~confinement in a jail other than a state jail felony facility; or~~

16 ~~[(3)] a Class B misdemeanor if the offense is not a~~
17 ~~felony or Class A misdemeanor and the offense:~~

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

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

22 (3) ~~[(C)]~~ provides as a possible punishment
23 confinement in a jail other than a state jail felony facility.

24 SECTION 4.38. Section 1702.114, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR
27 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a license to

1 engage in the business of an investigations company or the
2 applicant's manager must have, before the date of the application,
3 three consecutive years' experience in the investigative field as
4 an employee, manager, or owner of an investigations company or
5 satisfy other requirements set by the board [~~commission~~].

6 (b) The applicant's experience must be:

7 (1) reviewed by the board [~~commission~~] or the
8 director; and

9 (2) determined to be adequate to qualify the applicant
10 to engage in the business of an investigations company.

11 SECTION 4.39. Section 1702.115, Occupations Code, is
12 amended to read as follows:

13 Sec. 1702.115. ADDITIONAL QUALIFICATIONS FOR SECURITY
14 SERVICES CONTRACTOR LICENSE. (a) An applicant for a license to
15 engage in the business of a security services contractor or the
16 applicant's manager must have, before the date of the application,
17 two consecutive years' experience in each security services field
18 for which the person applies as an employee, manager, or owner of a
19 security services contractor or satisfy other requirements set by
20 the board [~~commission~~].

21 (b) The applicant's experience must have been obtained
22 legally and must be:

23 (1) reviewed by the board [~~commission~~] or the
24 director; and

25 (2) determined to be adequate to qualify the applicant
26 to engage in the business of a security services contractor.

27 SECTION 4.40. Section 1702.116, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.116. QUALIFICATIONS FOR GUARD DOG COMPANY
3 LICENSE; INSPECTIONS. (a) An applicant for a license to engage in
4 the business of a guard dog company must:

5 (1) meet the requirements of Sections 1702.113 and
6 1702.115; and

7 (2) present evidence satisfactory to the board
8 [~~commission~~] that the applicant will comply with the rules adopted
9 under this section.

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

15 (c) The board [~~commission~~] shall conduct regular
16 inspections to ensure compliance with the rules adopted under this
17 section.

18 SECTION 4.41. Sections 1702.117(a), (c), and (d),
19 Occupations Code, are amended to read as follows:

20 (a) The board [~~commission~~] shall require an applicant for a
21 commission, license, registration, or endorsement under this
22 chapter or the applicant's manager to demonstrate qualifications in
23 the person's license classification, including knowledge of
24 applicable state laws and board [~~commission~~] rules, by taking an
25 examination to be determined by the board [~~commission~~].

26 (c) The board [~~commission~~] shall set the reexamination fee
27 in an amount not to exceed the amount of the renewal fee for the

1 license classification for which application was made.

2 (d) The board [~~commission~~] shall develop and provide to a
3 person who applies to take the examination under Subsection (a)
4 material containing all applicable state laws and board
5 [~~commission~~] rules.

6 SECTION 4.42. Section 1702.118, Occupations Code, is
7 amended to read as follows:

8 Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than the
9 30th day after the date a person takes a licensing examination under
10 this chapter, the board [~~commission~~] shall notify the person of the
11 examination results.

12 (b) If an examination is graded or reviewed by a testing
13 service:

14 (1) the board [~~commission~~] shall notify the person of
15 the examination results not later than the 14th day after the date
16 the board [~~commission~~] receives the results from the testing
17 service; and

18 (2) if notice of the examination results will be
19 delayed for longer than 90 days after the examination date, the
20 board [~~commission~~] shall notify the person of the reason for the
21 delay before the 90th day.

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

24 (d) If requested in writing by a person who fails a
25 licensing examination administered under this chapter, the board
26 [~~commission~~] shall furnish the person with an analysis of the
27 person's performance on the examination.

1 SECTION 4.43. Section 1702.1183, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.1183. RECIPROCAL LICENSE FOR CERTAIN FOREIGN
4 APPLICANTS. (a) The board [~~commission~~] may waive any prerequisite
5 to obtaining a license for an applicant who holds a license issued
6 by another jurisdiction with which this state has a reciprocity
7 agreement.

8 (b) The board [~~commission~~] may make an agreement, subject to
9 the approval of the governor, with another state to allow for
10 licensing by reciprocity.

11 SECTION 4.44. Section 1702.1186, Occupations Code, is
12 amended to read as follows:

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

17 (1) has been licensed in good standing as an
18 investigations company or security services contractor for at least
19 two years in another jurisdiction, including a foreign country,
20 that has licensing requirements substantially equivalent to the
21 requirements of this chapter;

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

25 (3) is sponsored by a person licensed by the board
26 [~~commission~~] under this chapter with whom the provisional license
27 holder will practice during the time the person holds a provisional

1 license.

2 (b) A provisional license is valid until the date the board
3 [~~commission~~] approves or denies the provisional license holder's
4 application for a license. The board [~~commission~~] shall issue a
5 license under this chapter to the provisional license holder if:

6 (1) the provisional license holder is eligible to be
7 licensed under Section 1702.1183; or

8 (2) the provisional license holder:

9 (A) passes the part of the examination under
10 Section 1702.117(a) that relates to the applicant's knowledge and
11 understanding of the laws and rules relating to the practice of an
12 investigations company or security services contractor in this
13 state;

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

17 (C) satisfies any other licensing requirements
18 under this chapter.

19 (c) The board [~~commission~~] must approve or deny a
20 provisional license holder's application for a license not later
21 than the 180th day after the date the provisional license is issued.
22 The board [~~commission~~] may extend the 180-day period if the results
23 of an examination have not been received by the board [~~commission~~]
24 before the end of that period.

25 (d) The board [~~commission~~] may establish a fee for
26 provisional licenses in an amount reasonable and necessary to cover
27 the cost of issuing the license.

1 SECTION 4.45. Section 1702.120(b), Occupations Code, is
2 amended to read as follows:

3 (b) An individual may not apply to the board [~~commission~~] to
4 serve as manager of an investigations company, guard company, alarm
5 systems company, armored car company, courier company, or guard dog
6 company without the intent to maintain that supervisory position on
7 a daily basis for that company.

8 SECTION 4.46. Section 1702.121, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.121. TERMINATION OF MANAGER. A license holder
11 shall notify the board [~~commission~~] in writing not later than the
12 14th day after the date a manager ceases to be manager of the
13 license holder's business. The license remains in effect for a
14 reasonable period after notice is given as provided by board
15 [~~commission~~] rule pending the board's [~~commission's~~] determination
16 of the qualification of another manager under this subchapter.

17 SECTION 4.47. Section 1702.122, Occupations Code, is
18 amended to read as follows:

19 Sec. 1702.122. TEMPORARY CONTINUATION OF LICENSE HOLDER'S
20 BUSINESS. Under the terms provided by board [~~commission~~] rule, a
21 license holder's business may continue for a temporary period if
22 the individual on the basis of whose qualifications a license under
23 this chapter has been obtained ceases to be connected with the
24 license holder.

25 SECTION 4.48. Section 1702.123, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.123. INSURANCE; BOND. (a) A license holder shall

1 maintain on file with the board [~~commission~~] at all times the surety
2 bond and certificate of insurance required by this chapter.

3 (b) The board [~~commission~~] shall immediately suspend the
4 license of a license holder who violates Subsection (a).

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

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

17 (1) for a reason that would justify suspending,
18 revoking, or denying a license; or

19 (2) if, during the suspension, the applicant performs
20 a practice for which a license is required.

21 SECTION 4.49. Section 1702.125, Occupations Code, is
22 amended to read as follows:

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

1 SECTION 4.50. Sections 1702.127(b) and (c), Occupations
2 Code, are amended to read as follows:

3 (b) A license holder shall maintain a record containing
4 information related to the license holder's employees as required
5 by the board [~~commission~~].

6 (c) A license holder shall maintain for board [~~commission~~]
7 inspection at the license holder's principal place of business or
8 branch office two recent color photographs, of a type required by
9 the board [~~commission~~], of each applicant, registrant,
10 commissioned security officer, and employee of the license holder.

11 SECTION 4.51. Section 1702.129, Occupations Code, is
12 amended to read as follows:

13 Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES.

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

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

18 (2) a change of a name under which the license holder
19 does business; or

20 (3) a change in the license holder's officers or
21 partners.

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

24 (1) is established;

25 (2) is closed; or

26 (3) changes address or location.

27 SECTION 4.52. Section 1702.131, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.131. ADVERTISING. An advertisement by a license
3 holder soliciting or advertising business must contain the license
4 holder's company name and address as stated in board [~~commission~~]
5 records.

6 SECTION 4.53. Section 1702.161(b), Occupations Code, is
7 amended to read as follows:

8 (b) An individual employed as a security officer may not
9 knowingly carry a firearm during the course of performing duties as
10 a security officer unless the board [~~commission~~] has issued a
11 security officer commission to the individual.

12 SECTION 4.54. Section 1702.162, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER
15 COMMISSION. The employer of a security officer who applies for a
16 security officer commission for the officer must submit an
17 application to the board [~~commission~~] on a form provided by the
18 board [~~commission~~].

19 SECTION 4.55. Section 1702.165, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.165. ISSUANCE OF SECURITY OFFICER COMMISSION;
22 POCKET CARD. (a) The board [~~commission~~], with the concurrence of
23 the department [~~Texas Department of Public Safety~~]:

24 (1) may issue a security officer commission to an
25 individual employed as a uniformed security officer; and

26 (2) shall issue a security officer commission to a
27 qualified employee of an armored car company that is a carrier

1 conducting the armored car business under a federal or state permit
2 or certificate.

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

6 SECTION 4.56. Section 1702.167, Occupations Code, is
7 amended to read as follows:

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

17 SECTION 4.57. Sections 1702.1675(a), (b), (c), (d), (e),
18 (f), and (i), Occupations Code, are amended to read as follows:

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

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

25 (b) The course must be offered and taught by schools and
26 instructors approved by the board [~~commission~~]. To receive board
27 [~~commission~~] approval, a school or an instructor must submit an

1 application to the board [~~commission~~] on a form provided by the
2 board [~~commission~~].

3 (c) The basic training course approved by the board
4 [~~commission~~] must consist of a minimum of 30 hours.

5 (d) The general security officer training portion of the
6 course must include instruction on:

7 (1) board [~~commission~~] rules and applicable state
8 laws;

9 (2) field note taking and report writing; and

10 (3) any other topics of security officer training
11 curriculum the board [~~commission~~] considers necessary.

12 (e) The board [~~commission~~] shall develop a commissioned
13 security officer training manual that contains applicable state
14 laws and board [~~commission~~] rules to be used in the instruction and
15 training of commissioned security officers.

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

19 (i) The board [~~commission~~] by rule shall establish minimum
20 standards for handgun proficiency that are at least as stringent as
21 the standards for handgun proficiency developed by the public
22 safety director under Section 411.188, Government Code.

23 SECTION 4.58. Section 1702.168, Occupations Code, is
24 amended to read as follows:

25 Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to
26 the requirements of Section 1702.163(a), the board [~~commission~~] by
27 rule shall establish other qualifications for individuals who are

1 employed in positions requiring the carrying of firearms. The
2 qualifications may include:

- 3 (1) physical and mental standards;
- 4 (2) standards of good moral character; and
- 5 (3) other requirements that relate to the competency
6 and reliability of individuals to carry firearms.

7 (b) The board [~~commission~~] shall prescribe appropriate
8 forms and adopt rules by which evidence is presented that the
9 requirements are fulfilled.

10 SECTION 4.59. Sections 1702.1685(b) and (d), Occupations
11 Code, are amended to read as follows:

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

14 (d) The school shall maintain the records of the required
15 proficiency and make the records available for inspection by the
16 board [~~commission~~].

17 SECTION 4.60. Section 1702.171, Occupations Code, is
18 amended to read as follows:

19 Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The
20 board [~~commission~~] shall adopt rules for the maintenance of records
21 relating to an individual to whom the board [~~commission~~] has issued
22 a security officer commission.

23 SECTION 4.61. Section 1702.183, Occupations Code, is
24 amended to read as follows:

25 Sec. 1702.183. APPLICATION FOR LETTER OF AUTHORITY. A
26 security department of a private business or of a political
27 subdivision that applies for a security officer commission for an

1 individual employed by the security department must submit an
2 application to the board [~~commission~~] for a letter of authority on a
3 form provided by the board [~~commission~~].

4 SECTION 4.62. The heading to Subchapter I, Chapter 1702,
5 Occupations Code, is amended to read as follows:

6 SUBCHAPTER I. PERSONAL PROTECTION OFFICER ENDORSEMENT

7 [~~AUTHORIZATION~~] REQUIREMENTS

8 SECTION 4.63. Section 1702.201, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT
11 [~~AUTHORIZATION~~] REQUIRED. A commissioned security officer may not
12 act as a personal protection officer unless the officer holds a
13 personal protection officer endorsement [~~authorization~~].

14 SECTION 4.64. Section 1702.203, Occupations Code, is
15 amended to read as follows:

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

20 SECTION 4.65. Section 1702.204, Occupations Code, is
21 amended to read as follows:

22 Sec. 1702.204. PERSONAL PROTECTION OFFICER ENDORSEMENT
23 [~~AUTHORIZATION~~]; QUALIFICATIONS. (a) An applicant for a personal
24 protection officer endorsement [~~authorization~~] must be at least 21
25 years of age and must provide:

26 (1) a certificate of completion of the basic security
27 officer training course;

1 (2) proof that the applicant:

2 (A) has been issued a security officer
3 commission;

4 (B) is employed at the time of application by an
5 investigations company or guard company licensed by the board
6 [~~commission~~]; and

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

9 (3) proof of completion and the results of the
10 Minnesota Multiphasic Personality Inventory psychological testing.

11 (b) The board [~~commission~~] by rule shall require an
12 applicant for a personal protection officer endorsement
13 [~~authorization~~] to complete the Minnesota Multiphasic Personality
14 Inventory test. The board [~~commission~~] may use the results of the
15 test to evaluate the applicant's psychological fitness.

16 SECTION 4.66. Section 1702.205(a), Occupations Code, is
17 amended to read as follows:

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

21 SECTION 4.67. Section 1702.206, Occupations Code, is
22 amended to read as follows:

23 Sec. 1702.206. CONCEALED FIREARMS. An individual acting as
24 a personal protection officer may not carry a concealed firearm
25 unless the officer:

26 (1) is either:

27 (A) engaged in the exclusive performance of the

1 officer's duties as a personal protection officer for the employer
2 under whom the officer's personal protection officer endorsement
3 [~~authorization~~] is issued; or

4 (B) traveling to or from the officer's place of
5 assignment; and

6 (2) carries the officer's security officer commission
7 and personal protection officer endorsement [~~authorization~~] on the
8 officer's person while performing the officer's duties or traveling
9 as described by Subdivision (1) and presents the commission and
10 endorsement [~~authorization~~] on request.

11 SECTION 4.68. Section 1702.221, Occupations Code, is
12 amended to read as follows:

13 Sec. 1702.221. REGISTRATION AND ENDORSEMENT REQUIRED. (a)
14 Before an individual may perform any activity regulated by this
15 chapter, the individual must:

16 (1) register in accordance with the requirements of
17 this chapter and related administrative rules;

18 (2) obtain the proper endorsement under Subsection
19 (b); and

20 (3) be employed by a company licensed under this
21 chapter.

22 (b) An individual must obtain the appropriate endorsement
23 [~~register~~] in accordance with the requirements of this chapter and
24 related administrative rules if the individual:

25 (1) is employed as:

26 (A) an alarm instructor;

27 (B) an alarm systems installer;

- 1 (C) an [7] alarm systems monitor;
2 (D) an [7] electronic access control device
3 installer;
4 (E) a level 3 classroom or firearm instructor;
5 (F) a [7] locksmith;
6 (G) a [7] dog trainer;
7 (H) a [7] manager or branch office manager;
8 (I) a [7] noncommissioned security officer;
9 (J) a level 4 personal protection instructor;
10 (K) a [7] private investigator;
11 (L) a [7] private security consultant;
12 (M) a [7-0+] security salesperson; or
13 (N) an individual whose duties include
14 performing another activity for which an endorsement is required
15 under Subsection (e); or

16 (2) is an owner, officer, partner, or shareholder of a
17 license holder.

18 (c) [~~b~~] Registration and endorsement under this chapter
19 does not preclude an individual from performing additional duties
20 or services authorized by the individual's employer that are not
21 regulated by this chapter. An individual who performs more than one
22 of the services that require an endorsement under this section must
23 obtain an endorsement for each service.

24 (d) In addition to the services listed in Subsection (a), a
25 person holding a security officer commission must also obtain an
26 endorsement for personal protection if the individual performs the
27 services described by Section 1702.202.

1 (e) The board by rule may require a person to hold an
2 endorsement for performing other activity expressly regulated by
3 this chapter.

4 SECTION 4.69. Section 1702.2226(b), Occupations Code, is
5 amended to read as follows:

6 (b) A person registered as an electronic access control
7 device installer may not install alarm systems unless the person
8 holds an endorsement [~~is registered~~] under this chapter as an alarm
9 systems installer.

10 SECTION 4.70. The heading to Subchapter J, Chapter 1702,
11 Occupations Code, is amended to read as follows:

12 SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS;
13 [~~REGISTRANT~~] DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER

14 SECTION 4.71. Section 1702.228, Occupations Code, is
15 amended to read as follows:

16 Sec. 1702.228. EMPLOYEE OF LICENSE HOLDER; REGISTRATION
17 PERMITTED. An employee of a license holder who is employed in a
18 capacity that is not subject to mandatory registration under this
19 subchapter may register with the board [~~commission~~].

20 SECTION 4.72. Section 1702.230, Occupations Code, is
21 amended to read as follows:

22 Sec. 1702.230. APPLICATION FOR REGISTRATION OR
23 ENDORSEMENT. (a) An application for registration or endorsement
24 must be verified and include:

25 (1) the applicant's full name, residence address,
26 residence telephone number, date and place of birth, and social
27 security number;

1 (2) a statement that:

2 (A) lists each name used by the applicant, other
3 than the name by which the applicant is known at the time of
4 application, and an explanation stating each place where each name
5 was used, the date of each use, and a full explanation of the
6 reasons the name was used; or

7 (B) states that the applicant has never used a
8 name other than the name by which the applicant is known at the time
9 of application;

10 (3) the name and address of the applicant's employer
11 and, if applicable, the applicant's consulting firm;

12 (4) the date the employment commenced;

13 (5) a letter from the license holder requesting that
14 the applicant be registered or endorsed;

15 (6) the title of the position occupied by the
16 applicant and a description of the applicant's duties; and

17 (7) any other information, evidence, statement, or
18 document required by the board [~~commission~~].

19 (b) The employer of the applicant shall make a reasonable
20 attempt to verify the information required under Subsection (a)(1).

21 SECTION 4.73. Section 1702.2305, Occupations Code, is
22 amended to read as follows:

23 Sec. 1702.2305. PROVISIONAL REGISTRATION. (a) The board
24 [~~commission~~] may issue a provisional registration to an applicant
25 currently registered in another jurisdiction who seeks an
26 equivalent registration in this state and who:

27 (1) has been registered in good standing in the field

1 in which the registration is sought for at least two years in
2 another jurisdiction, including a foreign country, that has
3 registration requirements substantially equivalent to the
4 requirements of this chapter;

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

8 (3) is employed by a person licensed by the board
9 [~~commission~~] under this chapter with whom the provisional
10 registration holder will practice during the time the person holds
11 a provisional registration.

12 (b) A provisional registration is valid until the date the
13 board [~~commission~~] approves or denies the provisional registration
14 holder's application for a registration. The board [~~commission~~]
15 shall issue a registration under this chapter to the provisional
16 registration holder if the provisional registration holder is
17 eligible to be registered under this chapter.

18 (c) The board [~~commission~~] must approve or deny a
19 provisional registration holder's application for a registration
20 not later than the 180th day after the date the provisional
21 registration is issued. The board [~~commission~~] may extend the
22 180-day period if the results of an examination have not been
23 received by the board [~~commission~~] before the end of that period.

24 (d) The board [~~commission~~] may establish a fee for
25 provisional registration in an amount reasonable and necessary to
26 cover the cost of issuing the registration.

27 SECTION 4.74. Section 1702.232, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.232. POCKET CARDS. (a) The board [~~commission~~]
3 shall issue a pocket card for each registrant under this chapter. A
4 pocket card for an owner, officer, partner, or shareholder of a
5 license holder shall be issued to the license holder.

6 (b) The board [~~commission~~] shall determine the size,
7 design, and content of the pocket card.

8 (c) The pocket card must:

9 (1) state the name of the registrant;

10 (2) contain a color photograph and the signature of
11 the registrant; [~~and~~]

12 (3) state the date the card was issued and the card's
13 expiration date; and

14 (4) state each endorsement held by the registrant and
15 the date the endorsement expires.

16 SECTION 4.75. Section 1702.234, Occupations Code, is
17 amended to read as follows:

18 Sec. 1702.234. REGISTRATION AND ENDORSEMENT TRANSFER. A
19 registrant may transfer the registrant's registration and
20 endorsements from one employer to another employer if, not later
21 than the 14th day after the date the registrant begins the new
22 employment, the new employer notifies the board [~~commission~~] of the
23 transfer of employment on a form prescribed by the board
24 [~~commission~~] accompanied by payment of the employee information
25 update fee.

26 SECTION 4.76. Section 1702.235, Occupations Code, is
27 amended to read as follows:

1 Sec. 1702.235. PREEMPLOYMENT CHECK FOR NONCOMMISSIONED
2 SECURITY OFFICERS. A person may not hire a noncommissioned
3 security officer unless the person conducts a preemployment check
4 as required by board [~~commission~~] rule.

5 SECTION 4.77. Section 1702.236, Occupations Code, is
6 amended to read as follows:

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

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

20 SECTION 4.78. Sections 1702.239(a), (b), and (d),
21 Occupations Code, are amended to read as follows:

22 (a) The board [~~commission~~] may require that an individual
23 employed as an alarm systems installer or security salesperson hold
24 a certification by a board-approved [~~commission-approved~~] training
25 program to renew an endorsement [~~an initial registration~~]. The
26 board [~~commission~~] may approve only nationally recognized training
27 programs that consist of at least 16 hours of classroom study in the

1 areas of work allowed by the endorsement [~~registration~~]. To be
2 approved, a training program must offer at least two certification
3 programs each year, sufficient to complete the requirements of this
4 subsection, within 100 miles of each county in the state that has a
5 population of more than 500,000.

6 (b) The board [~~commission~~] may require an individual who has
7 completed a training program under Subsection (a) to pass an
8 examination given by the board [~~commission~~] or by a person approved
9 by the board [~~commission~~]. The board [~~commission~~] may approve
10 examinations in conjunction with training programs approved under
11 Subsection (a). The individual's performance on the examination
12 must demonstrate the individual's qualifications to perform the
13 duties allowed by the individual's endorsement [~~registration~~].

14 (d) If the board [~~commission~~] requires certification or
15 examination under this section, the board [~~commission~~] shall
16 implement rules to require that to renew an endorsement [~~a~~
17 ~~registration~~], an individual who is employed as an alarm systems
18 installer or a security salesperson and who has already once
19 renewed the endorsement [~~registration~~] must obtain continuing
20 education credits related to the line of work for which the
21 individual is licensed. If the board [~~commission~~] requires the
22 continuing education, the director must approve classes offered by
23 nationally recognized organizations, and participants in the
24 classes must qualify according to board [~~commission~~] rules.

25 SECTION 4.79. Section 1702.240(b), Occupations Code, is
26 amended to read as follows:

27 (b) An employee of a license holder who is employed

1 exclusively as an undercover agent is not required to register with
2 the board [~~commission~~].

3 SECTION 4.80. Subchapter J, Chapter 1702, Occupations Code,
4 is amended by adding Section 1702.241 to read as follows:

5 Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The board
6 may develop and administer at least twice each calendar year a
7 jurisprudence examination to determine the knowledge that an
8 applicant for an endorsement has of this chapter, board rules, and
9 any other applicable laws of this state affecting the applicant's
10 activities regulated under this chapter.

11 (b) Before the board may administer a jurisprudence
12 examination under this section, the board may adopt rules to
13 implement this section, including rules related to the development
14 and administration of the examination, examination fees,
15 guidelines for reexamination, grading the examination, and
16 providing notice of examination results. The board may design
17 different examinations for different types of endorsements.

18 SECTION 4.81. Section 1702.262, Occupations Code, is
19 amended to read as follows:

20 Sec. 1702.262. SELLERS OF CERTAIN DEVICES. A person may
21 sell a detection device or other device for preventing or detecting
22 burglary if:

23 (1) the person does not install, repair, or maintain
24 detection devices;

25 (2) the person holds a seller's certificate;

26 (3) the person, or the manufacturer or distributor of
27 the device that the person sells, files with the board [~~commission~~]

1 a certificate evidencing insurance for liability for bodily injury
2 or property damage arising from faulty or defective products in an
3 amount of not less than \$1 million combined single limit, provided
4 that the policy of insurance need not relate exclusively to
5 burglary devices;

6 (4) the person, or the manufacturer or distributor of
7 the device that the person sells, files with the board [~~commission~~]
8 a surety bond executed by a surety company authorized to do business
9 in this state in the sum of \$10,000 in favor of the state; and

10 (5) the person is not employed by a security services
11 contractor.

12 SECTION 4.82. Section 1702.263, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.263. APPLICATION FOR SELLER'S CERTIFICATE.

15 (a) To obtain a seller's certificate, a person must:

16 (1) submit to the board [~~commission~~] an application
17 that includes the person's full name, residence telephone number,
18 date and place of birth, and social security number and two sets of
19 classifiable fingerprints; and

20 (2) pay to the board [~~commission~~] a seller's
21 certificate fee established by the board [~~commission~~] in an amount
22 not to exceed \$25.

23 (b) The board [~~commission~~] shall approve an application for
24 a seller's certificate and issue the certificate to the applicant
25 unless:

26 (1) the background check of the applicant discloses a
27 felony conviction for which a full pardon has not been granted; or

1 (2) any information provided in the application is
2 false.

3 SECTION 4.83. Section 1702.267, Occupations Code, is
4 amended to read as follows:

5 Sec. 1702.267. SUSPENSION OR REVOCATION OF SELLER'S
6 CERTIFICATE. On conviction under Section 1702.388 for a violation
7 of this subchapter, the board [~~commission~~] may revoke or suspend a
8 seller's certificate after a hearing conducted under Subchapter O.

9 SECTION 4.84. Sections 1702.282(a), (c), and (e),
10 Occupations Code, are amended to read as follows:

11 (a) The board shall conduct a criminal history check,
12 including a check of any criminal history record information
13 maintained by the Federal Bureau of Investigation, in the manner
14 provided by Subchapter F, Chapter 411, Government Code, on each
15 applicant for a license, registration, security officer
16 commission, letter of approval, permit, endorsement, or
17 certification. An applicant is not eligible for a license,
18 registration, commission, letter of approval, permit, endorsement,
19 or certification if the check reveals that the applicant has
20 committed an act that constitutes grounds for the denial of the
21 license, registration, commission, letter of approval, permit,
22 endorsement, or certification. Except as provided by Subsection
23 (d), each applicant shall include in the application two complete
24 sets of fingerprints on forms prescribed by the board accompanied
25 by the fee set by the board.

26 (c) A license, registration, security officer commission,
27 letter of approval, permit, endorsement, or certification issued by

1 the board is conditional on the board's receipt of criminal history
2 record information.

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

17 SECTION 4.85. Section 1702.283, Occupations Code, is
18 amended to read as follows:

19 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been
20 convicted of cruelty to animals under Section 42.09 or 42.092,
21 Penal Code:

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

24 (2) may not be employed to work with dogs as a security
25 officer by a security services contractor or security department of
26 a private business that uses dogs to protect individuals or
27 property or to conduct investigations.

1 SECTION 4.86. Section 1702.285, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.285. FALSE REPRESENTATION. A person may not
4 represent falsely that the person:

- 5 (1) is employed by a license holder; or
6 (2) is licensed, registered, endorsed, or
7 commissioned under this chapter.

8 SECTION 4.87. Sections 1702.301(c), (d), (e), (f), (g), and
9 (h), Occupations Code, are amended to read as follows:

10 (c) A personal protection officer endorsement
11 [~~authorization~~] expires on the expiration date of the security
12 officer commission under which the individual's endorsement
13 [~~authorization~~] is issued.

14 (d) Endorsement [~~Registration~~] as a private investigator,
15 manager, branch office manager, alarm systems installer, security
16 consultant, security salesperson, alarm systems monitor, or dog
17 trainer expires on the second anniversary of the date of
18 endorsement [~~registration~~].

19 (e) Endorsement [~~Registration~~] as an owner, officer,
20 partner, or shareholder of a license holder expires on the second
21 anniversary of the date of endorsement [~~registration~~].

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

25 (g) A letter of authority, or a school approval or school
26 instructor approval letter issued by the board [~~commission~~],
27 expires on the first anniversary of the date of issuance.

1 (h) A license, ~~or~~ registration, or endorsement issued
2 under this chapter, other than one specified in this section,
3 expires on the date specified by this chapter or by board
4 ~~[commission]~~ rule.

5 SECTION 4.88. Section 1702.302, Occupations Code, is
6 amended to read as follows:

7 Sec. 1702.302. LICENSE RENEWAL. (a) A person who is
8 otherwise eligible to renew a license may renew an unexpired
9 license by paying the required renewal fee to the board
10 ~~[commission]~~ before the expiration date of the license. A person
11 whose license has expired may not engage in activities that require
12 a license until the license has been renewed.

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

17 (c) A person whose license has been expired for longer than
18 90 days but less than one year may renew the license by paying to the
19 board ~~[commission]~~ a renewal fee that is equal to two times the
20 normally required renewal fee.

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

25 (e) Not later than the 30th day before the date a person's
26 license is scheduled to expire, the board ~~[commission]~~ shall send
27 written notice of the impending expiration to the person at the

1 person's last known address according to the board's [~~commission's~~]
2 records.

3 SECTION 4.89. Section 1702.303, Occupations Code, is
4 amended to read as follows:

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

12 SECTION 4.90. Section 1702.304, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.304. STAGGERED RENEWAL; PRORATION OF LICENSE
15 FEE. The board [~~commission~~] by rule may adopt a system under which
16 licenses expire on various dates during the year. For the year in
17 which the expiration date of a license is changed, the board
18 [~~commission~~] shall prorate license fees on a monthly basis so that
19 each license holder pays only that portion of the license fee that
20 is allocable to the number of months during which the license is
21 valid. On renewal of the license on the new expiration date, the
22 total license renewal fee is payable.

23 SECTION 4.91. Section 1702.307, Occupations Code, is
24 amended to read as follows:

25 Sec. 1702.307. REGISTRATION RENEWAL. (a) An individual
26 who is otherwise eligible to renew a registration may renew an
27 unexpired registration by paying the required renewal fee to the

1 board [~~commission~~] before the expiration date of the registration.
2 An individual whose registration has expired may not engage in
3 activities that require a registration until the registration has
4 been renewed.

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

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

13 (d) An individual whose registration has been expired for
14 one year or more may not renew the registration. The individual may
15 obtain a new registration by complying with the requirements and
16 procedures, including any examination required by the board
17 [~~commission~~], for obtaining an original registration.

18 (e) An individual who was registered in this state, moved to
19 another state, and is currently registered and has been in practice
20 in the other state for the two years preceding the date of
21 application may obtain a new registration without reexamination.
22 The individual must pay to the board [~~commission~~] a fee that is
23 equal to two times the normally required renewal fee for the
24 registration.

25 (f) Not later than the 30th day before the expiration date
26 of an individual's registration, the board [~~commission~~] shall send
27 written notice of the impending expiration to the individual at the

1 individual's last known address according to board [~~commission~~]
2 records.

3 SECTION 4.92. Sections 1702.308(b) and (c), Occupations
4 Code, are amended to read as follows:

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

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

19 SECTION 4.93. Section 1702.309(a), Occupations Code, is
20 amended to read as follows:

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

27 SECTION 4.94. Sections 1702.321(b), (c), and (e),

1 Occupations Code, are amended to read as follows:

2 (b) The provisions of this chapter relating to security
3 officer commissions apply to a person employed by a political
4 subdivision whose duties include serving as a security guard,
5 security watchman, or security patrolman on property owned or
6 operated by the political subdivision if the governing body of the
7 political subdivision files a written request with the board
8 [~~commission~~] for the board [~~commission~~] to issue a commission to
9 the political subdivision's employees with those duties.

10 (c) The board [~~commission~~] may not charge a fee for issuing
11 a commission to an officer under Subsection (b). The board
12 [~~commission~~] shall issue to the officer a pocket card designating
13 the political subdivision that employs the officer.

14 (e) The board [~~commission~~] may approve a security officer
15 training program conducted by the political subdivision in
16 accordance with Sections 1702.1675 and 1702.168.

17 SECTION 4.95. Sections 1702.361(a) and (b), Occupations
18 Code, are amended to read as follows:

19 (a) Subject to the board's final order under the hearing
20 provisions of this subchapter, the department, for conduct
21 described by Subsection (b), may:

22 (1) deny an application or revoke, suspend, or refuse
23 to renew a license, registration, endorsement, or security officer
24 commission;

25 (2) reprimand a license holder, registrant, or
26 commissioned security officer; or

27 (3) place on probation a person whose license,

1 registration, endorsement, or security officer commission has been
2 suspended.

3 (b) The department shall take disciplinary action described
4 by Subsection (a) on proof:

5 (1) that the applicant, license holder, registrant,
6 endorsement holder, or commissioned security officer has:

7 (A) violated this chapter or a rule adopted under
8 this chapter;

9 (B) become ineligible for licensure, ~~or~~
10 registration, or endorsement under Section 1702.113, or a
11 commission under Section 1702.163, if applicable, other than an
12 action for which the department has taken summary action under
13 Section 1702.364;

14 (C) engaged in fraud, deceit, or
15 misrepresentation;

16 (D) made a material misstatement in an
17 application for or renewal of a license, registration, endorsement,
18 or commission; ~~or~~

19 (E) failed to pay in full an administrative
20 penalty assessed under Subchapter Q, for which the board has issued
21 a final order; or

22 (F) performed any service for which an
23 endorsement is required under this chapter and either:

24 (i) was not employed with a company
25 licensed under this chapter at the time the service was performed;
26 or

27 (ii) performed the service for a company

1 licensed under this chapter that was not listed on the individual's
2 registration without informing the board of the individual's
3 employment with the company within a reasonable period; or

4 (2) that the license holder of a registrant or
5 commissioned security officer has submitted to the department
6 sufficient evidence that the registrant or commissioned security
7 officer:

8 (A) engaged in fraud or deceit while employed by
9 the license holder; or

10 (B) committed theft while performing work as a
11 registrant or commissioned security officer.

12 SECTION 4.96. Section 1702.362, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.362. FAILURE TO FILE REQUIRED NOTICE. The board
15 [~~commission~~] may suspend or revoke a license if the license holder
16 fails to notify the board [~~commission~~] as required by Section
17 1702.121 that a manager has ceased to be the manager of the license
18 holder.

19 SECTION 4.97. Section 1702.363, Occupations Code, is
20 amended to read as follows:

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

1 SECTION 4.98. Sections 1702.364(a), (d), (f), and (h),
2 Occupations Code, are amended to read as follows:

3 (a) On receiving written notice from a law enforcement
4 agency that a person has been charged with or convicted of an
5 offense that would make the person ineligible for a license,
6 certificate of registration, endorsement, or security officer
7 commission under Section 1702.113 or 1702.163, the department
8 shall:

9 (1) summarily deny the person's application for a
10 license, registration, endorsement, or security officer
11 commission;

12 (2) in the event of pending charges, summarily suspend
13 the person's license, certificate of registration, endorsement, or
14 security officer commission; or

15 (3) in the event of a conviction, summarily revoke the
16 person's license, certificate of registration, endorsement, or
17 security officer commission.

18 (d) At a preliminary hearing, the person must show cause
19 why:

20 (1) the application should not have been denied;

21 (2) the registration, license, endorsement, or
22 security officer commission should not have been suspended; or

23 (3) the registration, license, endorsement, or
24 commission should not have been revoked.

25 (f) The dismissal of a complaint, information, or
26 indictment or an acquittal releases the person from automatic
27 grounds for a summary denial of an application or summary

1 suspension of a registration, endorsement, or security officer
2 commission under this section. A conviction for the offense giving
3 rise to a summary suspension is automatic grounds for immediate,
4 summary revocation.

5 (h) The administrative law judge shall make findings of fact
6 and conclusions of law regarding the person's eligibility for a
7 license, registration, or endorsement under this section and
8 promptly issue to the board a proposal for a decision.

9 SECTION 4.99. Section 1702.365, Occupations Code, is
10 amended to read as follows:

11 Sec. 1702.365. ABDUCTION OF CHILD. The board [~~commission~~]
12 shall revoke a person's license, registration, endorsement, or
13 security officer commission or deny a person's application for, or
14 renewal of, a license, registration, endorsement, or security
15 officer commission on proof that the person or an agent of the
16 person has, after the date of application for a license,
17 registration, endorsement, or security officer commission,
18 abducted or attempted to abduct by force or the threat of force or
19 by misrepresentation, stealth, or unlawful entry a child who at the
20 time of the abduction or attempt is under the care and control of a
21 person who:

22 (1) has custody or physical possession of the child
23 under a court order; or

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

27 SECTION 4.100. Sections 1702.367(a), (c), (d), and (e),

1 Occupations Code, are amended to read as follows:

2 (a) For an investigation conducted under this chapter, the
3 board [~~commission~~] may issue a subpoena to compel the attendance of
4 a witness or the production of a pertinent record or document. The
5 hearings officer may administer oaths and require testimony or
6 evidence to be given under oath.

7 (c) A person required to testify or to produce a record or
8 document on any matter properly under inquiry by the board
9 [~~commission~~] who refuses to testify or to produce the record or
10 document on the ground that the testimony or the production of the
11 record or document would incriminate or tend to incriminate the
12 person is nonetheless required to testify or to produce the record
13 or document. A person who is required to testify or to produce a
14 record or document under this subsection is not subject to
15 indictment or prosecution for a transaction, matter, or thing
16 concerning which the person truthfully testifies or produces
17 evidence.

18 (d) If a witness refuses to obey a subpoena or to give
19 evidence relevant to proper inquiry by the board [~~commission~~], the
20 board [~~commission~~] may petition a district court of the county in
21 which the hearing is held to compel the witness to obey the subpoena
22 or to give the evidence. The court shall immediately issue process
23 to the witness and shall hold a hearing on the petition as soon as
24 possible.

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

1 SECTION 4.101. Section 1702.368, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN
4 OFFENSES. The department [~~Texas Department of Public Safety~~] shall
5 notify the board [~~commission~~] and the police department of the
6 municipality and the sheriff's department of the county in which a
7 person licensed, registered, or commissioned under this chapter
8 resides of the conviction of the person for a Class B misdemeanor or
9 equivalent offense or a greater offense.

10 SECTION 4.102. Subchapter O, Chapter 1702, Occupations
11 Code, is amended by adding Section 1702.372 to read as follows:

12 Sec. 1702.372. RECUSAL OF BOARD MEMBER. (a) A board member
13 who participated in the investigation of a complaint or in informal
14 settlement negotiations regarding the complaint:

15 (1) may not vote on the matter at a board meeting
16 related to the complaint; and

17 (2) shall state at the meeting the reason for which the
18 member is prohibited from voting on the matter.

19 (b) A statement under Subsection (a)(2) shall be entered
20 into the minutes of the meeting.

21 SECTION 4.103. Section 1702.381(b), Occupations Code, is
22 amended to read as follows:

23 (b) A person who contracts with or employs a person who is
24 required to hold a license, [~~certificate of~~] registration,
25 endorsement, or security officer commission under this chapter
26 knowing that the person does not hold the required license,
27 registration, endorsement [~~certificate~~], or commission or who

1 otherwise, at the time of contract or employment, is in violation of
2 this chapter may be assessed a civil penalty to be paid to the state
3 in an amount not to exceed \$10,000 for each violation.

4 SECTION 4.104. Section 1702.386(a), Occupations Code, is
5 amended to read as follows:

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

13 SECTION 4.105. Section 1702.3863(a), Occupations Code, is
14 amended to read as follows:

15 (a) A person commits an offense if the person contracts with
16 or is employed by a bail bond surety as defined by Chapter 1704 to
17 secure the appearance of a person who has violated Section 38.10,
18 Penal Code, unless the person is:

- 19 (1) a peace officer;
- 20 (2) an individual endorsed or licensed as a private
21 investigator or the manager of a licensed investigations company;
22 or
- 23 (3) a commissioned security officer employed by a
24 licensed guard company.

25 SECTION 4.106. Section 1702.387(a), Occupations Code, is
26 amended to read as follows:

27 (a) A person commits an offense if the person fails to

1 surrender or immediately return to the board [~~commission~~] the
2 person's registration, commission, pocket card, or other
3 identification issued to the person by the board [~~commission~~] on
4 notification of a summary suspension or summary denial under
5 Section 1702.364.

6 SECTION 4.107. Section 1702.388(b), Occupations Code, is
7 amended to read as follows:

8 (b) An offense under this section is a Class A misdemeanor,
9 except that the offense is a felony of the third degree if the
10 person has previously been convicted under this chapter of failing
11 to hold a license, registration, endorsement, certificate, or
12 commission that the person is required to hold under this chapter.

13 SECTION 4.108. Section 1702.402, Occupations Code, is
14 amended by amending Subsection (a) and adding Subsection (c) to
15 read as follows:

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

19 (c) The board by rule shall develop a standardized penalty
20 schedule based on the criteria listed in Subsection (b).

21 SECTION 4.109. Section 1702.406(b), Occupations Code, is
22 amended to read as follows:

23 (b) The notice of the board's order given to the person must
24 include a statement of the right of the person to judicial review of
25 the order. Judicial review is under the substantial evidence rule
26 as provided by Subchapter G, Chapter 2001, Government Code.

27 SECTION 4.110. The following provisions of the Occupations

1 Code are repealed:

- 2 (1) Section 1702.002(4);
- 3 (2) Section 1702.003;
- 4 (3) Section 1702.065;
- 5 (4) Section 1702.113(e); and
- 6 (5) Section 1702.364(j).

7 SECTION 4.111. (a) Not later than January 1, 2010, the
8 Texas Private Security Board and the Department of Public Safety
9 shall adopt the rules required by or under Sections 1702.062 and
10 1702.082, Occupations Code, as amended by this article. The fee
11 schedule in effect under Section 1702.062, Occupations Code, before
12 the effective date of this Act is continued in effect until new fees
13 are adopted under Section 1702.062, Occupations Code, as amended by
14 this article.

15 (b) The requirement to pass a jurisprudence examination
16 under Section 1702.241, Occupations Code, as added by this article,
17 applies only to an individual who applies for a registration or
18 endorsement under Chapter 1702, Occupations Code, on or after the
19 date specified by the Texas Private Security Board in the event the
20 board begins requiring applicants to pass a jurisprudence
21 examination, but not earlier than September 1, 2010.

22 (c) The changes in law made by this article related to the
23 filing, investigation, or resolution of a complaint under Chapter
24 1702, Occupations Code, as amended by this article, apply only to a
25 complaint filed with the Texas Private Security Board on or after
26 the effective date of this Act. A complaint filed before the
27 effective date of this Act is governed by the law as it existed

1 immediately before that date, and the former law is continued in
2 effect for that purpose.

3 (d) The changes in law made by this article governing the
4 authority of the Texas Private Security Board and the Department of
5 Public Safety to issue, renew, or revoke a license, registration,
6 endorsement, or commission under Chapter 1702, Occupations Code,
7 apply only to an application for an original or renewal license,
8 registration, endorsement, or commission filed with the Texas
9 Private Security Board under Chapter 1702, Occupations Code, as
10 amended by this article, on or after the effective date of this Act.
11 An application filed before the effective date of this Act is
12 governed by the law in effect at the time the application was filed,
13 and the former law is continued in effect for that purpose.

14 (e) The change in law made by this article with respect to
15 conduct that is grounds for imposition of a disciplinary sanction
16 applies only to conduct that occurs on or after the effective date
17 of this Act. Conduct that occurs before the effective date of this
18 Act is governed by the law in effect on the date the conduct
19 occurred, and the former law is continued in effect for that
20 purpose.

21 (f) Section 1702.372, Occupations Code, as added by this
22 article, applies only to a hearing conducted on or after the
23 effective date of this Act, regardless of the date on which the
24 complaint was filed. A complaint on which a hearing is conducted
25 before the effective date of this Act is governed by the law in
26 effect on the date the hearing was conducted, and the former law is
27 continued in effect for that purpose.

1 (g) The holder of a Class D license under Chapter 1702,
2 Occupations Code, as amended by this article, shall be considered
3 to hold a Class B license on the effective date of this Act. On the
4 expiration of the Class D license, the license holder may renew the
5 license as a Class B license.

6 ARTICLE 5. GENERAL PROVISIONS

7 SECTION 5.01. Section 411.002, Government Code, is amended
8 by amending Subsection (c) and adding Subsections (d) and (e) to
9 read as follows:

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

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

17 (1) the recommendations in the 2008 audit of the
18 department's information technology system; and

19 (2) a civilian business model for the operation of the
20 driver's license division that focuses on improving customer
21 service by:

22 (A) using best practices in call center
23 technology and monitoring customer service calls;

24 (B) expanding operating hours at driver's
25 license offices; and

26 (C) decreasing the time the department takes to
27 send a replacement driver's license.

1 (e) The Sunset Advisory Commission shall submit the report
2 required by Subsection (d) not later than February 15, 2011. This
3 subsection and Subsection (d) expire August 31, 2011.

4 SECTION 5.02. Section 411.0035, Government Code, is amended
5 to read as follows:

6 Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a)
7 In this section, "Texas trade association" means a cooperative and
8 voluntarily joined statewide association of business or
9 professional competitors in this state designed to assist its
10 members and its industry or profession in dealing with mutual
11 business or professional problems and in promoting their common
12 interest.

13 (b) A person may not be [serve as] a member of the commission
14 and may not be a department employee employed in a "bona fide
15 executive, administrative, or professional capacity," as that
16 phrase is used for purposes of establishing an exemption to the
17 overtime provisions of the federal Fair Labor Standards Act of 1938
18 (29 U.S.C. Section 201 et seq.), if:

19 (1) the person is an officer, employee, or paid
20 consultant of a Texas trade association in the field of law
21 enforcement or private security; or

22 (2) the person's spouse is an officer, manager, or paid
23 consultant of a Texas trade association in the field of law
24 enforcement or private security.

25 (c) A person may not be a member of the commission or act as
26 the general counsel to the commission if the person is required to
27 register as a lobbyist under Chapter 305 because of the person's

1 activities for compensation on behalf of a profession related to
2 the operation of the commission.

3 SECTION 5.03. Subchapter A, Chapter 411, Government Code,
4 is amended by adding Section 411.0042 to read as follows:

5 Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The
6 commission shall develop and implement policies that clearly
7 separate the policymaking responsibilities of the commission and
8 the management responsibilities of the director and the staff of
9 the department.

10 SECTION 5.04. Subchapter A, Chapter 411, Government Code,
11 is amended by adding Section 411.0043 to read as follows:

12 Sec. 411.0043. TECHNOLOGY POLICY. The commission shall
13 implement a policy requiring the department to use appropriate
14 technological solutions to improve the department's ability to
15 perform its functions. The policy must ensure that the public is
16 able to interact with the department on the Internet.

17 SECTION 5.05. Subchapter A, Chapter 411, Government Code,
18 is amended by adding Section 411.0044 to read as follows:

19 Sec. 411.0044. NEGOTIATED RULEMAKING AND ALTERNATIVE
20 DISPUTE RESOLUTION. (a) The commission shall develop and implement
21 a policy to encourage the use of:

22 (1) negotiated rulemaking procedures under Chapter
23 2008 for the adoption of department rules; and

24 (2) appropriate alternative dispute resolution
25 procedures under Chapter 2009 to assist in the resolution of
26 internal and external disputes under the department's
27 jurisdiction.

1 (b) The department's procedures relating to alternative
2 dispute resolution must conform, to the extent possible, to any
3 model guidelines issued by the State Office of Administrative
4 Hearings for the use of alternative dispute resolution by state
5 agencies.

6 (c) The commission shall designate a trained person to:

7 (1) coordinate the implementation of the policy
8 adopted under Subsection (a);

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

12 (3) collect data concerning the effectiveness of those
13 procedures, as implemented by the department.

14 SECTION 5.06. Sections 411.0195(a), (b), and (c),
15 Government Code, are amended to read as follows:

16 (a) The department shall maintain a system to promptly and
17 efficiently act on [~~prepare information of public interest~~
18 ~~describing the functions of the department and the department's~~
19 ~~procedures by which~~] complaints [~~are~~] filed with [~~and resolved by~~]
20 the department. The department shall maintain [~~make the~~]
21 information about parties to the complaint, the subject matter of
22 the complaint, a summary of the results of the review or
23 investigation of the complaint, and its disposition [~~available to~~
24 ~~the public and appropriate state agencies~~].

25 (b) The department shall make information available
26 describing its procedures for complaint investigation and
27 resolution [~~director by rule shall establish methods by which~~

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

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

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

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

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

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

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

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

19 SECTION 5.07. Section 411.188, Government Code, is amended
20 by adding Subsection (j) to read as follows:

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

25 SECTION 5.08. Sections 411.244(a), (d), and (f), Government
26 Code, are amended to read as follows:

27 (a) The commission ~~[director]~~ shall establish the office of

1 internal affairs, which is responsible for:

2 (1) acting to prevent and detect criminal conduct
3 within the department; and

4 (2) independently and objectively investigating:

5 (A) criminal activity occurring in all divisions
6 of the department;

7 (B) allegations of wrongdoing by department
8 employees;

9 (C) crimes committed on department property; and

10 (D) serious breaches of department policy.

11 (d) The commission has direct oversight over the office of
12 internal affairs, including decisions regarding budget and
13 staffing. The commission [~~director~~] shall appoint the head of the
14 office of internal affairs. The head of the office of internal
15 affairs serves until removed by the commission [~~director~~]. The
16 commission shall establish policies to ensure that the commission
17 continues to oversee the office of internal affairs as required by
18 this subsection and to ensure that the office of internal affairs
19 retains and exercises its original jurisdiction under Subsection
20 (b).

21 (f) The head of the office of internal affairs shall present
22 at each regularly scheduled commission meeting and at other
23 appropriate times:

24 (1) reports of investigations; and

25 (2) a summary of information relating to
26 investigations conducted under this section that includes analysis
27 of the number, type, and outcome of investigations, trends in the

1 investigations, and recommendations to avoid future complaints.

2 SECTION 5.09. Sections 411.0195(d) and (e), Government
3 Code, are repealed.

4 SECTION 5.10. This Act takes effect September 1, 2009.