

BILL ANALYSIS

C.S.S.B. 1400
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Business owners, schools, day care facilities, and homeowners use camera systems to remotely monitor activities, often through Internet access. Interested parties note that companies that install such systems are not checking to determine whether their employees have criminal backgrounds. Interested parties further contend that it is possible that felons, including convicted child molesters or other serious criminals, could be installing these systems in schools, homes, day care facilities, and critical infrastructure locations. Observers note that these systems often allow the installer to remotely access the systems for service and diagnostics, which could allow the installer to use these systems for illegitimate reasons.

The interested parties contend that legislation is needed to require an unlicensed camera systems company and its installation personnel to comply with the current background, insurance, and license requirements that are imposed under the Private Security Act on alarm companies, guard companies, private investigators, and locksmith companies that do business in Texas and to update other language from past legislative action. C.S.S.B. 1400 seeks to address these issues by making statutory changes relating to the regulation of certain private security companies and occupations.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Private Security Board in SECTION 13 of this bill.

ANALYSIS

C.S.S.B. 1400 amends the Occupations Code to establish that a person acts as a camera systems company for purposes of the Private Security Act if the person sells, installs, services, or monitors a closed circuit television or still camera system or offers to perform such services. The bill includes a camera systems company in the list of companies a person is prohibited from acting as or offering to perform the services of unless the person holds a license as a security services contractor.

C.S.S.B. 1400 establishes that an individual acts as a camera systems installer for purposes of the Private Security Act if the individual installs, maintains, or repairs a closed circuit television or still camera system or advertises or offers such services to the public or represents to the public that the person is a camera systems installer. The bill includes a camera systems installer in the list of employees required to obtain the appropriate endorsement required to perform any activity regulated by the act and in accordance with related administrative rules. The bill specifies that a person is not required to obtain a registration or endorsement as a camera systems installer before January 1, 2012.

C.S.S.B. 1400 includes an individual who monitors a camera system among the individuals who are considered to be acting as alarm systems monitors for purposes of the Private Security Act. The bill expands the list of activities performed by an individual under which the individual is

considered to be acting as a locksmith for purposes of the act from selling, installing, servicing, or maintaining mechanical security devices to selling, installing, servicing, maintaining, bypassing, or defeating electronic access control devices or mechanical security devices and specifies that these activities are performed for a fee and with legal authorization. The bill specifies that the services an individual advertises or offers to the public that qualify the individual as acting as a locksmith for purposes of the act are locksmith services. The bill expands the list of activities performed by a person acting as a locksmith company for purposes of the act in the same manner as the activities performed by an individual acting as a locksmith for purposes of the act and specifies that the activities are performed for a fee and with legal authorization. The bill removes the activity of offering to sell, install, service, or maintain mechanical security devices from the list of activities that qualify a person as acting as a locksmith company. The bill, in the provision of law establishing that a person acts as a locksmith company if the person advertises services offered by the company using the term "locksmith," specifies that the services are traditionally offered by a company using that term.

C.S.S.B. 1400 establishes that a license holder acting as an alarm systems company does not have to provide the recipient of services the notice required under the act when an alarm systems company enters into a contract for services regulated by the Texas Private Security Board with another alarm systems company or alarm systems monitor if the contact information, including the address and the telephone numbers for the alarm systems company, has not changed.

C.S.S.B. 1400 includes a peace officer who, among other requirements, is employed in an employee-employer relationship or employed on an individual contractual basis by a company licensed under the Private Security Act among the law enforcement personnel exempt from that act. The bill exempts from the act a person who owns and installs an alarm system or detection device, electronic access control device, lock, or closed circuit television or still camera system, rather than a burglar detection or alarm device, on the person's own property and removes the condition from the exemption that the person not charge for the device or the installation if the person installs the system or device for the protection of the person's personal property located on another person's property and does not, as normal business practice, install the systems or devices on the property of another. The bill exempts from the act a local governmental entity that installs or has a licensed contractor install a closed circuit television or still camera system for purposes of public safety. The bill requires, for a person who owns and installs such a system or device to be exempt, that the person not perform any other act that requires a license under the act.

C.S.S.B. 1400 exempts from the Private Security Act a person in the business of building construction that installs electrical wiring and devices that may include in part the installation of an alarm system, detection device, electronic access control device, lock, or closed circuit television or still camera system, rather than a burglar alarm or detection device, under certain conditions and makes conforming changes to those conditions. The bill changes the condition for exemption for a person in the business of building construction that installs electrical wiring and devices to require that the person be a party to a contract that provides that the installation will be performed, inspected, and certified by a person licensed to install and certify the system or device, rather than performed, inspected, and certified under the direct supervision of the licensed person. The bill adds closed circuit television or still camera systems to the systems or devices that the person in the business of building construction is prohibited from servicing or maintaining as a condition of the exemption. The bill limits the exemption from the act for a person who sells exclusively by e-commerce, over the counter transactions, or mail order, alarm systems, electronic access control devices, locks, or detection devices to such a person who does not perform any other act that requires a license under the act.

C.S.S.B. 1400 increases the number of members of the Texas Private Security Board from seven to nine. The bill changes the number of members of the board that are required to be public members who are United States citizens from four to five and requires the additional member to be licensed under the Private Security Act as a locksmith. The bill requires the governor, not

later than February 1, 2013, to appoint the members of the board necessary to ensure the composition of the board complies with the bill's provisions. The bill requires the board, not later than January 1, 2012, to adopt rules to implement the bill's provisions.

C.S.S.B. 1400 specifies that the bill's provisions apply only to an application for an original or renewal license, registration, or endorsement submitted to the Texas Private Security Board on or after January 1, 2012.

C.S.S.B. 1400 defines "closed circuit television or still camera system" and "lock" and provides for the meaning of "camera systems company" by reference. The bill redefines "alarm system" to remove from that term a television camera or still camera system that records or archives images of property or individuals in a public or private area of a residence or business or is monitored by security personnel or services. The bill redefines "electronic access control device" to remove the specification that the controlled area to which the device allows access is an area of a business. The bill makes conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1400 contains a provision not included in the original exempting from the Private Security Act a local governmental entity that installs or has a licensed contractor install a closed circuit television or still camera system for purposes of public safety. The substitute differs from the original in nonsubstantive ways.