

By: Lucio III

H.B. No. 456

A BILL TO BE ENTITLED

AN ACT

relating to a security services contractor's lien.

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

SECTION 1. Subtitle B, Title 5, Property Code, is amended by adding Chapter 64 to read as follows:

CHAPTER 64. SECURITY SERVICES CONTRACTOR'S LIEN

Sec. 64.001. DEFINITIONS. In this chapter:

(1) "Security services" means the activities listed in Section 1702.102(a), Occupations Code.

(2) "Security services contractor" has the meaning assigned by Section 1702.002, Occupations Code.

Sec. 64.002. LIEN. A security services contractor who provides security services for a commercial entity under a contract with the commercial entity has a lien under this chapter for the amount owed under the contract.

Sec. 64.003. PROPERTY SUBJECT TO LIEN. The lien attaches to the premises for which the security services contractor provided security services under the contract, if owned by the commercial entity that entered into the contract, and to the personal property owned by the commercial entity and located on that premises.

Sec. 64.004. SECURING LIEN. A security services contractor who has not been paid for security services provided and who wants to claim a lien under this chapter must, not later than the 30th day after the date the indebtedness accrues:

1           (1) file with the county clerk of the county in which  
2 the premises are located a copy of an account of the services with  
3 an affidavit verifying the account by the party making the account;  
4 and

5           (2) serve a copy of the account and affidavit on the  
6 commercial entity that owns the property or the entity's agent,  
7 receiver, or trustee.

8           Sec. 64.005. DURATION OF LIEN. A lien created under this  
9 chapter expires on the first anniversary of the date the lien is  
10 secured, unless the security services contractor has sued to  
11 foreclose the lien.

12           Sec. 64.006. RELEASE OF CLAIM OR LIEN. (a) When a debt for  
13 security services is satisfied, the security services contractor  
14 shall, not later than the 10th day after the date the security  
15 services contractor receives a written request, provide to the  
16 requesting person a release of the indebtedness and any lien  
17 claimed, to the extent of the indebtedness paid.

18           (b) A release of lien must be in a form that permits the  
19 instrument to be filed of record.

20           SECTION 2. The change in law made by Chapter 64, Property  
21 Code, as added by this Act, applies only to a contract for security  
22 services entered into or renewed on or after the effective date of  
23 this Act. A contract entered into or renewed before the effective  
24 date of this Act is governed by the law in effect when the contract  
25 was entered into or renewed, and the former law is continued in  
26 effect for that purpose.

27           SECTION 3. This Act takes effect September 1, 2011.