

1-1 By: Naishtat (Senate Sponsor - Watson) H.B. No. 1779
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2011, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 9, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to an exemption from private security regulation for
1-9 social workers engaged in the practice of social work.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1702.324(b), Occupations Code, is
1-12 amended to read as follows:

1-13 (b) This chapter does not apply to:

1-14 (1) a manufacturer or a manufacturer's authorized
1-15 distributor while selling equipment intended for resale;

1-16 (2) a person engaged exclusively in the business of
1-17 obtaining and providing information to:

1-18 (A) determine creditworthiness;

1-19 (B) collect debts; or

1-20 (C) ascertain the reliability of information
1-21 provided by an applicant for property, life, or disability
1-22 insurance or an indemnity or surety bond;

1-23 (3) a person engaged exclusively in the business of
1-24 repossessing property that is secured by a mortgage or other
1-25 security interest;

1-26 (4) a person who is engaged in the business of
1-27 psychological testing or other testing and interviewing services,
1-28 including services to determine attitudes, honesty, intelligence,
1-29 personality, and skills, for preemployment purposes;

1-30 (5) a person who:

1-31 (A) is engaged in obtaining information that is a
1-32 public record under Chapter 552, Government Code, regardless of
1-33 whether the person receives compensation;

1-34 (B) is not a full-time employee, as defined by
1-35 Section 61.001, Labor Code, of a person licensed under this
1-36 chapter; and

1-37 (C) does not perform any other act that requires
1-38 a license under this chapter;

1-39 (6) a licensed engineer practicing engineering or
1-40 directly supervising engineering practice under Chapter 1001,
1-41 including forensic analysis, burglar alarm system engineering, and
1-42 necessary data collection;

1-43 (7) an employee of a cattle association who inspects
1-44 livestock brands under the authority granted to the cattle
1-45 association by the Grain Inspection, Packers and Stockyards
1-46 Administration of the United States Department of Agriculture;

1-47 (8) a landman performing activities in the course and
1-48 scope of the landman's business;

1-49 (9) an attorney while engaged in the practice of law;

1-50 (10) a person who obtains a document for use in
1-51 litigation under an authorization or subpoena issued for a written
1-52 or oral deposition;

1-53 (11) an admitted insurer, insurance adjuster, agent,
1-54 or insurance broker licensed by the state, performing duties in
1-55 connection with insurance transacted by that person;

1-56 (12) a person who on the person's own property or on
1-57 property owned or managed by the person's employer:

1-58 (A) installs, changes, or repairs a mechanical
1-59 security device;

1-60 (B) repairs an electronic security device; or

1-61 (C) cuts or makes a key for a security device;

1-62 (13) security personnel, including security contract
1-63 personnel, working at a commercial nuclear power plant licensed by
1-64 the United States Nuclear Regulatory Commission;

2-1 (14) a person or firm licensed as an accountant or
2-2 accounting firm under Chapter 901, an owner of an accounting firm,
2-3 or an employee of an accountant or accounting firm while performing
2-4 services regulated under Chapter 901;

2-5 (15) a retailer, wholesaler, or other person who sells
2-6 mechanical security devices, including locks and deadbolts, but who
2-7 does not:

2-8 (A) service mechanical security devices for the
2-9 public outside of the person's premises; or

2-10 (B) claim to act as a locksmith; ~~[or]~~

2-11 (16) an employee while performing investigative
2-12 services that would otherwise be subject to this chapter for an
2-13 entity regulated by the:

2-14 (A) Texas Department of Insurance;

2-15 (B) Office of Thrift Supervision;

2-16 (C) Securities and Exchange Commission;

2-17 (D) Federal Deposit Insurance Corporation; or

2-18 (E) ~~[National Association of Securities Dealers,~~

2-19 ~~or~~

2-20 [~~F~~] Financial Industry Regulatory Authority;

2-21 or

2-22 (17) a social worker who holds a license issued under
2-23 Chapter 505 who is engaged in the practice of social work.

2-24 SECTION 2. This Act takes effect immediately if it receives
2-25 a vote of two-thirds of all the members elected to each house, as
2-26 provided by Section 39, Article III, Texas Constitution. If this
2-27 Act does not receive the vote necessary for immediate effect, this
2-28 Act takes effect September 1, 2011.

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