

By: Patrick

S.B. No. 1400

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain private security companies
and occupations.

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

SECTION 1. Section 1702.002, Occupations Code, is amended
by amending Subdivisions (1) and (6-a) and adding Subdivisions (4),
(4-a), and (13-a) to read as follows:

(1) "Alarm system" means:

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

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

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

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

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

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

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

3 (4) "Closed circuit television or still camera system"
4 means a device or system of devices that:

5 (A) records or transmits, including transmission
6 by an intranet or Internet device, an image or series of images;

7 (B) is monitored by security personnel or an
8 alarm systems monitor for the purposes of security or surveillance;
9 and

10 (C) is not used exclusively:

11 (i) to view or monitor traffic conditions
12 on public roads;

13 (ii) to detect motor vehicle violations on
14 public roads;

15 (iii) for telephone or video conferencing;

16 (iv) to monitor a manufacturing process;

17 (v) for a medical purpose by medical
18 practitioners;

19 (vi) by a courtroom reporter for recording
20 or archiving depositions or testimony;

21 (vii) in the course of an ongoing
22 investigation, when installed by and remaining under the control of
23 a licensed investigations company; or

24 (viii) by a law enforcement agency to
25 monitor criminal activity.

26 (4-a) "Camera systems company" means a person who
27 performs the activities described by Section 1702.1057.

1 (6-a) "Electronic access control device" means an
2 electronic, electrical, or computer-based device, including a
3 telephone entry system, that allows access to a controlled area [~~of~~
4 ~~a business~~], but that is not monitored by security personnel or
5 services and does not send a signal to which law enforcement or
6 emergency services respond. The term does not include:

7 (A) a mechanical device, such as a deadbolt or
8 lock; or

9 (B) an operator for opening or closing a
10 commercial gate or door or an accessory, such as a fixed or portable
11 transmitter, card-reader, or keypad, if the operator or accessory
12 is used only to activate the gate or door and is not connected to an
13 alarm system.

14 (13-a) "Lock" means a fastening device that:

15 (A) is used to secure, regulate, activate, or
16 control a door, gate, drawer, cabinet, safe, or automobile by means
17 of a mechanical or electric device, including a latch, bolt, key,
18 transmitter, card-reader, keypad, or proximity key fob; and

19 (B) is not monitored by security personnel or
20 services and does not send a signal to which law enforcement or
21 emergency services respond.

22 SECTION 2. Subsection (a), Section 1702.021, Occupations
23 Code, is amended to read as follows:

24 (a) The Texas Private Security Board consists of nine
25 [~~seven~~] members appointed by the governor with the advice and
26 consent of the senate as follows:

27 (1) five [~~four~~] public members, each of whom is a

1 citizen of the United States;

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

4 (3) one member who is licensed under this chapter as an
5 alarm systems company; ~~and~~

6 (4) one member who is licensed under this chapter as
7 the owner or operator of a guard company; and

8 (5) one member who is licensed under this chapter as a
9 locksmith.

10 SECTION 3. Subsection (a), Section 1702.102, Occupations
11 Code, is amended to read as follows:

12 (a) Unless the person holds a license as a security services
13 contractor, a person may not:

14 (1) act as an alarm systems company, armored car
15 company, camera systems company, courier company, guard company,
16 guard dog company, locksmith company, or private security
17 consultant company;

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

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

22 SECTION 4. Subsection (a), Section 1702.1056, Occupations
23 Code, is amended to read as follows:

24 (a) A person acts as a locksmith company for the purposes of
25 this chapter if the person:

26 (1) for a fee and with legal authorization, sells,
27 installs, services, ~~or~~ maintains, bypasses, or defeats

1 electronic access control devices or [~~offers to sell, install,~~
2 ~~service, or maintain,~~] mechanical security devices, including
3 deadbolts and locks;

4 (2) advertises services traditionally offered by a
5 [~~the~~] company using the term "locksmith"; or

6 (3) includes the term "locksmith" in the company's
7 name.

8 SECTION 5. Subchapter F, Chapter 1702, Occupations Code, is
9 amended by adding Section 1702.1057 to read as follows:

10 Sec. 1702.1057. CAMERA SYSTEMS COMPANY. A person acts as a
11 camera systems company for purposes of this chapter if the person:

12 (1) sells, installs, services, or monitors a closed
13 circuit television or still camera system; or

14 (2) offers to perform a service described by
15 Subdivision (1).

16 SECTION 6. Subsection (b), Section 1702.221, Occupations
17 Code, is amended to read as follows:

18 (b) An individual must obtain the appropriate endorsement
19 in accordance with the requirements of this chapter and related
20 administrative rules if the individual:

21 (1) is employed as:

22 (A) an alarm instructor;

23 (B) an alarm systems installer;

24 (C) an alarm systems monitor;

25 (D) an electronic access control device
26 installer;

27 (E) a level 3 classroom or firearm instructor;

- 1 (F) a locksmith;
- 2 (G) a dog trainer;
- 3 (H) a manager or branch office manager;
- 4 (I) a noncommissioned security officer;
- 5 (J) a level 4 personal protection instructor;
- 6 (K) a private investigator;
- 7 (L) a private security consultant;
- 8 (M) a security salesperson; ~~or~~
- 9 (N) a camera systems installer; or
- 10 (O) an individual whose duties include
- 11 performing another activity for which an endorsement is required
- 12 under Subsection (e); or

13 (2) is an owner who oversees the security-related
14 aspects of the business, officer, partner, or shareholder of a
15 license holder.

16 SECTION 7. Subsection (a), Section 1702.2227, Occupations
17 Code, is amended to read as follows:

18 (a) An individual acts as a locksmith for the purposes of
19 this chapter if the person:

20 (1) for a fee and with legal authorization, sells,
21 installs, services, ~~or~~ maintains, bypasses, or defeats
22 electronic access control devices or mechanical security devices,
23 including deadbolts and locks; or

24 (2) advertises or offers locksmith services to the
25 public or represents to the public that the person is a locksmith.

26 SECTION 8. Subchapter J, Chapter 1702, Occupations Code, is
27 amended by adding Section 1702.2228 to read as follows:

1 Sec. 1702.2228. CAMERA SYSTEMS INSTALLER. An individual
2 acts as a camera systems installer for purposes of this chapter if
3 the individual:

4 (1) installs, maintains, or repairs a closed circuit
5 television or still camera system; or

6 (2) advertises or offers the services under
7 Subdivision (1) to the public or represents to the public that the
8 person is a camera systems installer.

9 SECTION 9. Subsection (a), Section 1702.224, Occupations
10 Code, is amended to read as follows:

11 (a) An individual acts as an alarm systems monitor for
12 purposes of this chapter if the individual monitors an alarm
13 system, camera system, or detection device.

14 SECTION 10. Section 1702.288, Occupations Code, is amended
15 by adding Subsection (f) to read as follows:

16 (f) A license holder acting as an alarm systems company does
17 not have to provide the notice required under Subsection (d) if the
18 contact information, including the address and the telephone
19 numbers for the alarm company, has not changed.

20 SECTION 11. Section 1702.322, Occupations Code, is amended
21 to read as follows:

22 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
23 does not apply to:

24 (1) a person who has full-time employment as a peace
25 officer and who receives compensation for private employment on an
26 individual or an independent contractor basis as a patrolman,
27 guard, extra job coordinator, or watchman if the officer:

1 (A) is employed in an employee-employer
2 relationship or employed on an individual contractual basis;

3 (i) directly by the recipient of the
4 services; or

5 (ii) by a company licensed under this
6 chapter;

7 (B) is not in the employ of another peace
8 officer;

9 (C) is not a reserve peace officer; and

10 (D) works as a peace officer on the average of at
11 least 32 hours a week, is compensated by the state or a political
12 subdivision of the state at least at the minimum wage, and is
13 entitled to all employee benefits offered to a peace officer by the
14 state or political subdivision;

15 (2) a reserve peace officer while the reserve officer
16 is performing guard, patrolman, or watchman duties for a county and
17 is being compensated solely by that county;

18 (3) a peace officer acting in an official capacity in
19 responding to a burglar alarm or detection device; or

20 (4) a person engaged in the business of electronic
21 monitoring of an individual as a condition of that individual's
22 community supervision, parole, mandatory supervision, or release
23 on bail, if the person does not perform any other service that
24 requires a license under this chapter.

25 SECTION 12. Section 1702.328, Occupations Code, is amended
26 to read as follows:

27 Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION

1 EXEMPTIONS. This chapter does not apply to:

2 (1) a person who owns and installs an alarm system or
3 [a burglar] detection [or alarm] device, electronic access control
4 device, lock, or closed circuit television or still camera system
5 on the person's own property or ~~[, if the person does not charge for~~
6 ~~the device or the installation,]~~ installs the system or device for
7 the protection of the person's personal property located on another
8 person's property and does not, as a normal business practice,
9 install the systems or devices on the property of another, and who
10 does not perform any other act that requires a license under this
11 chapter;

12 (2) a person in the business of building construction
13 that installs electrical wiring and devices that may include in
14 part the installation of an [a burglar] alarm system, [or]
15 detection device, electronic access control device, lock, or closed
16 circuit television or still camera system if:

17 (A) the person is a party to a contract that
18 provides that:

19 (i) the installation will be performed,
20 ~~[under the direct supervision of, and]~~ inspected, and certified
21 by~~[,]~~ a person licensed to install and certify the alarm system,
22 [or] detection device, electronic access control device, lock, or
23 closed circuit television or still camera system; and

24 (ii) the license holder assumes full
25 responsibility for the installation of the system [alarm] or
26 [detection] device; and

27 (B) the person does not service or maintain alarm

1 systems, electronic access control devices, locks, closed circuit
2 television or still camera systems, or detection devices;

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

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

11 SECTION 13. (a) The changes in law made by this Act to
12 Chapter 1702, Occupations Code, apply only to an application for an
13 original or renewal license, registration, or endorsement
14 submitted to the Texas Private Security Board on or after January 1,
15 2012. An application submitted before January 1, 2012, is governed
16 by the law in effect on the date the application was submitted, and
17 the former law is continued in effect for that purpose.

18 (b) Not later than February 1, 2013, the governor shall
19 appoint the members of the Texas Private Security Board necessary
20 to ensure the composition of the board complies with Section
21 1702.021, Occupations Code, as amended by this Act.

22 (c) The Texas Private Security Board shall adopt rules to
23 implement the changes in law made by this Act not later than January
24 1, 2012. A person is not required to obtain a registration or
25 endorsement under Section 1702.2228, Occupations Code, as added by
26 this Act, before January 1, 2012.

27 SECTION 14. This Act takes effect immediately if it

S.B. No. 1400

1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect September 1, 2011.