

By: Patrick  
(Fletcher)

S.B. No. 1400

Substitute the following for S.B. No. 1400:

By: Fletcher

C.S.S.B. No. 1400

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of certain private security companies  
3 and occupations.

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

5 SECTION 1. Section 1702.002, Occupations Code, is amended  
6 by amending Subdivisions (1) and (6-a) and adding Subdivisions (4),  
7 (4-a), and (13-a) to read as follows:

8 (1) "Alarm system" means:

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

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

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

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

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

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

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

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

5                    (4-a) "Closed circuit television or still camera  
6 system" means a device or system of devices that:

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

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

12                    (C) is not used exclusively:

13                    (i) to view or monitor traffic conditions  
14 on public roads;

15                    (ii) to detect motor vehicle violations on  
16 public roads;

17                    (iii) for telephone or video conferencing;

18                    (iv) to monitor a manufacturing process;

19                    (v) for a medical purpose by medical  
20 practitioners;

21                    (vi) by a courtroom reporter for recording  
22 or archiving depositions or testimony;

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

26                    (viii) by a law enforcement agency to  
27 monitor criminal activity.

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. Section 1702.021(a), Occupations Code, is  
23 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. Section 1702.102(a), Occupations Code, is  
11 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. Section 1702.1056(a), Occupations Code, is  
23 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. Section 1702.221(b), Occupations Code, is  
17 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. Section 1702.2227(a), Occupations Code, is  
17 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. Section 1702.224(a), Occupations Code, is  
10 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 systems 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; or

11 (5) a local governmental entity that installs or has a  
12 licensed contractor install a closed circuit television or still  
13 camera system for purposes of public safety.

14 SECTION 13. (a) The changes in law made by this Act to  
15 Chapter 1702, Occupations Code, apply only to an application for an  
16 original or renewal license, registration, or endorsement  
17 submitted to the Texas Private Security Board on or after January 1,  
18 2012. An application submitted before January 1, 2012, is governed  
19 by the law in effect on the date the application was submitted, and  
20 the former law is continued in effect for that purpose.

21 (b) Not later than February 1, 2013, the governor shall  
22 appoint the members of the Texas Private Security Board necessary  
23 to ensure the composition of the board complies with Section  
24 1702.021, Occupations Code, as amended by this Act.

25 (c) The Texas Private Security Board shall adopt rules to  
26 implement the changes in law made by this Act not later than January  
27 1, 2012. A person is not required to obtain a registration or

1 endorsement under Section 1702.2228, Occupations Code, as added by  
2 this Act, before January 1, 2012.

3 SECTION 14. This Act takes effect immediately if it  
4 receives a vote of two-thirds of all the members elected to each  
5 house, as provided by Section 39, Article III, Texas Constitution.  
6 If this Act does not receive the vote necessary for immediate  
7 effect, this Act takes effect September 1, 2011.