

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 for the
8 purposes of security or surveillance; and

9 (C) is not used exclusively:

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

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

14 (iii) for telephone or video conferencing;

15 (iv) to monitor a manufacturing process;

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

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

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

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

25 (4-a) "Camera systems company" means a person who
26 performs the activities described by Section 1702.1057.

27 (6-a) "Electronic access control device" means an

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

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

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

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

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

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

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

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

26 (1) five [~~four~~] public members, each of whom is a
27 citizen of the United States;

- 1 (2) one member who is licensed under this chapter as a
2 private investigator;
- 3 (3) one member who is licensed under this chapter as an
4 alarm systems company; ~~and~~
- 5 (4) one member who is licensed under this chapter as
6 the owner or operator of a guard company; and
- 7 (5) one member who is licensed under this chapter as a
8 locksmith.

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

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

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

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

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

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

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

25 (1) for a fee and with legal authorization, sells,
26 installs, services, ~~or~~ maintains, bypasses, or defeats
27 electronic access control devices or ~~[offers to sell, install,~~

1 ~~service, or maintain,~~] mechanical security devices, including
2 deadbolts and locks;

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

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

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

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

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

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

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

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

20 (1) is employed as:

21 (A) an alarm instructor;

22 (B) an alarm systems installer;

23 (C) an alarm systems monitor;

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

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

27 (F) a locksmith;

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

12 (2) is an owner who oversees the security-related

13 aspects of the business, officer, partner, or shareholder of a

14 license holder.

15 SECTION 7. Section 1702.2227(a), Occupations Code, is

16 amended to read as follows:

17 (a) An individual acts as a locksmith for the purposes of

18 this chapter if the person:

19 (1) for a fee and with legal authorization, sells,

20 installs, services, ~~or~~ maintains, bypasses, or defeats

21 electronic access control devices or mechanical security devices,

22 including deadbolts and locks; or

23 (2) advertises or offers locksmith services to the

24 public or represents to the public that the person is a locksmith.

25 SECTION 8. Subchapter J, Chapter 1702, Occupations Code, is

26 amended by adding Section 1702.2228 to read as follows:

27 Sec. 1702.2228. CAMERA SYSTEMS INSTALLER. An individual

1 acts as a camera systems installer for purposes of this chapter if
2 the individual:

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

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

8 SECTION 9. Section 1702.288, Occupations Code, is amended
9 by adding Subsection (f) to read as follows:

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

14 SECTION 10. Section 1702.328, Occupations Code, is amended
15 to read as follows:

16 Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION
17 EXEMPTIONS. This chapter does not apply to:

18 (1) a person who owns and installs an alarm system or
19 [a burglar] detection [or alarm] device, electronic access control
20 device, lock, or closed circuit television or still camera system
21 on the person's own property or~~[, if the person does not charge for~~
22 ~~the device or the installation,~~ installs the system or device for
23 the protection of the person's personal property located on another
24 person's property and does not, as a normal business practice,
25 install the systems or devices on the property of another, and who
26 does not perform any other act that requires a license under this
27 chapter;

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

6 (A) the person is a party to a contract that
7 provides that:

8 (i) the installation will be performed,
9 [~~under the direct supervision of, and~~] inspected, and certified
10 by[~~r~~] a person licensed to install and certify the alarm system,
11 [~~or~~] detection device, electronic access control device, lock, or
12 closed circuit television or still camera system; and

13 (ii) the license holder assumes full
14 responsibility for the installation of the system [~~alarm~~] or
15 [~~detection~~] device; and

16 (B) the person does not service or maintain alarm
17 systems, electronic access control devices, locks, closed circuit
18 television or still camera systems, or detection devices;

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

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

27 SECTION 11. (a) The changes in law made by this Act to

1 Chapter 1702, Occupations Code, apply only to an application for an
2 original or renewal license, registration, or endorsement
3 submitted to the Texas Private Security Board on or after January 1,
4 2012. An application submitted before January 1, 2012, is governed
5 by the law in effect on the date the application was submitted, and
6 the former law is continued in effect for that purpose.

7 (b) Not later than February 1, 2013, the governor shall
8 appoint the members of the Texas Private Security Board necessary
9 to ensure the composition of the board complies with Section
10 1702.021, Occupations Code, as amended by this Act.

11 (c) The Texas Private Security Board shall adopt rules to
12 implement the changes in law made by this Act not later than January
13 1, 2012. A person is not required to obtain a registration or
14 endorsement under Section 1702.2228, Occupations Code, as added by
15 this Act, before January 1, 2012.

16 SECTION 12. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2011.