

1-1 By: Patrick S.B. No. 1400
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 11, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 11, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1400 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of certain private security companies
1-11 and occupations.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1702.002, Occupations Code, is amended
1-14 by amending Subdivisions (1) and (6-a) and adding Subdivisions (4),
1-15 (4-a), and (13-a) to read as follows:

1-16 (1) "Alarm system" means:

1-17 (A) electronic equipment and devices designed to
1-18 detect or signal:

1-19 (i) an unauthorized entry or attempted
1-20 entry of a person or object into a residence, business, or area
1-21 monitored by the system; or

1-22 (ii) the occurrence of a robbery or other
1-23 emergency; or

1-24 (B) electronic equipment and devices using a
1-25 computer or data processor designed to control the access of a
1-26 person, vehicle, or object through a door, gate, or entrance into
1-27 the controlled area of a residence or business[~~, or~~

1-28 [~~(C) a television camera or still camera system~~
1-29 ~~that:~~

1-30 [~~(i) records or archives images of property~~
1-31 ~~or individuals in a public or private area of a residence or~~
1-32 ~~business; or~~

1-33 [~~(ii) is monitored by security personnel or~~
1-34 ~~services].~~

1-35 (4) "Closed circuit television or still camera system"
1-36 means a device or system of devices that:

1-37 (A) records or transmits, including transmission
1-38 by an intranet or Internet device, an image or series of images;

1-39 (B) is monitored by security personnel or an
1-40 alarm systems monitor for the purposes of security or surveillance;
1-41 and

1-42 (C) is not used exclusively:

1-43 (i) to view or monitor traffic conditions
1-44 on public roads;

1-45 (ii) to detect motor vehicle violations on
1-46 public roads;

1-47 (iii) for telephone or video conferencing;

1-48 (iv) to monitor a manufacturing process;

1-49 (v) for a medical purpose by medical
1-50 practitioners;

1-51 (vi) by a courtroom reporter for recording
1-52 or archiving depositions or testimony;

1-53 (vii) in the course of an ongoing
1-54 investigation, when installed by and remaining under the control of
1-55 a licensed investigations company; or

1-56 (viii) by a law enforcement agency to
1-57 monitor criminal activity.

1-58 (4-a) "Camera systems company" means a person who
1-59 performs the activities described by Section 1702.1057.

1-60 (6-a) "Electronic access control device" means an
1-61 electronic, electrical, or computer-based device, including a
1-62 telephone entry system, that allows access to a controlled area [~~of~~
1-63 a business], but that is not monitored by security personnel or

2-1 services and does not send a signal to which law enforcement or
2-2 emergency services respond. The term does not include:

2-3 (A) a mechanical device, such as a deadbolt or
2-4 lock; or

2-5 (B) an operator for opening or closing a
2-6 commercial gate or door or an accessory, such as a fixed or portable
2-7 transmitter, card-reader, or keypad, if the operator or accessory
2-8 is used only to activate the gate or door and is not connected to an
2-9 alarm system.

2-10 (13-a) "Lock" means a fastening device that:

2-11 (A) is used to secure, regulate, activate, or
2-12 control a door, gate, drawer, cabinet, safe, or automobile by means
2-13 of a mechanical or electric device, including a latch, bolt, key,
2-14 transmitter, card-reader, keypad, or proximity key fob; and

2-15 (B) is not monitored by security personnel or
2-16 services and does not send a signal to which law enforcement or
2-17 emergency services respond.

2-18 SECTION 2. Subsection (a), Section 1702.021, Occupations
2-19 Code, is amended to read as follows:

2-20 (a) The Texas Private Security Board consists of nine
2-21 ~~[seven]~~ members appointed by the governor with the advice and
2-22 consent of the senate as follows:

2-23 (1) five ~~[four]~~ public members, each of whom is a
2-24 citizen of the United States;

2-25 (2) one member who is licensed under this chapter as a
2-26 private investigator;

2-27 (3) one member who is licensed under this chapter as an
2-28 alarm systems company; ~~[and]~~

2-29 (4) one member who is licensed under this chapter as
2-30 the owner or operator of a guard company; and

2-31 (5) one member who is licensed under this chapter as a
2-32 locksmith.

2-33 SECTION 3. Subsection (a), Section 1702.102, Occupations
2-34 Code, is amended to read as follows:

2-35 (a) Unless the person holds a license as a security services
2-36 contractor, a person may not:

2-37 (1) act as an alarm systems company, armored car
2-38 company, camera systems company, courier company, guard company,
2-39 guard dog company, locksmith company, or private security
2-40 consultant company;

2-41 (2) offer to perform the services of a company in
2-42 Subdivision (1); or

2-43 (3) engage in business activity for which a license is
2-44 required under this chapter.

2-45 SECTION 4. Subsection (a), Section 1702.1056, Occupations
2-46 Code, is amended to read as follows:

2-47 (a) A person acts as a locksmith company for the purposes of
2-48 this chapter if the person:

2-49 (1) for a fee and with legal authorization, sells,
2-50 installs, services, ~~[or]~~ maintains, bypasses, or defeats
2-51 electronic access control devices or ~~[offers to sell, install,~~
2-52 service, or maintain,] mechanical security devices, including
2-53 deadbolts and locks;

2-54 (2) advertises services traditionally offered by a
2-55 [the] company using the term "locksmith"; or

2-56 (3) includes the term "locksmith" in the company's
2-57 name.

2-58 SECTION 5. Subchapter F, Chapter 1702, Occupations Code, is
2-59 amended by adding Section 1702.1057 to read as follows:

2-60 Sec. 1702.1057. CAMERA SYSTEMS COMPANY. A person acts as a
2-61 camera systems company for purposes of this chapter if the person:

2-62 (1) sells, installs, services, or monitors a closed
2-63 circuit television or still camera system; or

2-64 (2) offers to perform a service described by
2-65 Subdivision (1).

2-66 SECTION 6. Subsection (b), Section 1702.221, Occupations
2-67 Code, is amended to read as follows:

2-68 (b) An individual must obtain the appropriate endorsement
2-69 in accordance with the requirements of this chapter and related

3-1 administrative rules if the individual:

3-2 (1) is employed as:

3-3 (A) an alarm instructor;

3-4 (B) an alarm systems installer;

3-5 (C) an alarm systems monitor;

3-6 (D) an electronic access control device

3-7 installer;

3-8 (E) a level 3 classroom or firearm instructor;

3-9 (F) a locksmith;

3-10 (G) a dog trainer;

3-11 (H) a manager or branch office manager;

3-12 (I) a noncommissioned security officer;

3-13 (J) a level 4 personal protection instructor;

3-14 (K) a private investigator;

3-15 (L) a private security consultant;

3-16 (M) a security salesperson; ~~or~~

3-17 (N) a camera systems installer; or

3-18 (O) an individual whose duties include

3-19 performing another activity for which an endorsement is required

3-20 under Subsection (e); or

3-21 (2) is an owner who oversees the security-related

3-22 aspects of the business, officer, partner, or shareholder of a

3-23 license holder.

3-24 SECTION 7. Subsection (a), Section 1702.2227, Occupations

3-25 Code, is amended to read as follows:

3-26 (a) An individual acts as a locksmith for the purposes of

3-27 this chapter if the person:

3-28 (1) for a fee and with legal authorization, sells,

3-29 installs, services, ~~or~~ maintains, bypasses, or defeats

3-30 electronic access control devices or mechanical security devices,

3-31 including deadbolts and locks; or

3-32 (2) advertises or offers locksmith services to the

3-33 public or represents to the public that the person is a locksmith.

3-34 SECTION 8. Subchapter J, Chapter 1702, Occupations Code, is

3-35 amended by adding Section 1702.2228 to read as follows:

3-36 Sec. 1702.2228. CAMERA SYSTEMS INSTALLER. An individual

3-37 acts as a camera systems installer for purposes of this chapter if

3-38 the individual:

3-39 (1) installs, maintains, or repairs a closed circuit

3-40 television or still camera system; or

3-41 (2) advertises or offers the services under

3-42 Subdivision (1) to the public or represents to the public that the

3-43 person is a camera systems installer.

3-44 SECTION 9. Subsection (a), Section 1702.224, Occupations

3-45 Code, is amended to read as follows:

3-46 (a) An individual acts as an alarm systems monitor for

3-47 purposes of this chapter if the individual monitors an alarm

3-48 system, camera system, or detection device.

3-49 SECTION 10. Section 1702.288, Occupations Code, is amended

3-50 by adding Subsection (f) to read as follows:

3-51 (f) A license holder acting as an alarm systems company does

3-52 not have to provide the notice required under Subsection (d) if the

3-53 contact information, including the address and the telephone

3-54 numbers for the alarm company, has not changed.

3-55 SECTION 11. Section 1702.322, Occupations Code, is amended

3-56 to read as follows:

3-57 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter

3-58 does not apply to:

3-59 (1) a person who has full-time employment as a peace

3-60 officer and who receives compensation for private employment on an

3-61 individual or an independent contractor basis as a patrolman,

3-62 guard, extra job coordinator, or watchman if the officer:

3-63 (A) is employed in an employee-employer

3-64 relationship or employed on an individual contractual basis:

3-65 (i) directly by the recipient of the

3-66 services; or

3-67 (ii) by a company licensed under this

3-68 chapter;

3-69 (B) is not in the employ of another peace

4-1 officer;

4-2 (C) is not a reserve peace officer; and

4-3 (D) works as a peace officer on the average of at

4-4 least 32 hours a week, is compensated by the state or a political

4-5 subdivision of the state at least at the minimum wage, and is

4-6 entitled to all employee benefits offered to a peace officer by the

4-7 state or political subdivision;

4-8 (2) a reserve peace officer while the reserve officer

4-9 is performing guard, patrolman, or watchman duties for a county and

4-10 is being compensated solely by that county;

4-11 (3) a peace officer acting in an official capacity in

4-12 responding to a burglar alarm or detection device; or

4-13 (4) a person engaged in the business of electronic

4-14 monitoring of an individual as a condition of that individual's

4-15 community supervision, parole, mandatory supervision, or release

4-16 on bail, if the person does not perform any other service that

4-17 requires a license under this chapter.

4-18 SECTION 12. Section 1702.328, Occupations Code, is amended

4-19 to read as follows:

4-20 Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION

4-21 EXEMPTIONS. This chapter does not apply to:

4-22 (1) a person who owns and installs an alarm system or

4-23 [a burglar] detection [or alarm] device, electronic access control

4-24 device, lock, or closed circuit television or still camera system

4-25 on the person's own property or ~~[, if the person does not charge for~~

4-26 ~~the device or the installation,]~~ installs the system or device for

4-27 the protection of the person's personal property located on another

4-28 person's property and does not, as a normal business practice,

4-29 install the systems or devices on the property of another, and who

4-30 does not perform any other act that requires a license under this

4-31 chapter;

4-32 (2) a person in the business of building construction

4-33 that installs electrical wiring and devices that may include in

4-34 part the installation of an [a burglar] alarm system, [or]

4-35 detection device, electronic access control device, lock, or closed

4-36 circuit television or still camera system if:

4-37 (A) the person is a party to a contract that

4-38 provides that:

4-39 (i) the installation will be performed,

4-40 ~~[under the direct supervision of, and]~~ inspected, and certified

4-41 by ~~[,]~~ a person licensed to install and certify the alarm system,

4-42 [or] detection device, electronic access control device, lock, or

4-43 closed circuit television or still camera system; and

4-44 (ii) the license holder assumes full

4-45 responsibility for the installation of the system [alarm] or

4-46 [detection] device; and

4-47 (B) the person does not service or maintain alarm

4-48 systems, electronic access control devices, locks, closed circuit

4-49 television or still camera systems, or detection devices;

4-50 (3) a person who sells or installs automobile burglar

4-51 alarm devices and who does not perform any other act that requires a

4-52 license under this chapter; or

4-53 (4) a person who sells exclusively by e-commerce, over

4-54 the counter transactions, or mail order, alarm systems, electronic

4-55 access control devices, locks, or detection devices and who does

4-56 not perform any other act that requires a license under this

4-57 chapter.

4-58 SECTION 13. (a) The changes in law made by this Act to

4-59 Chapter 1702, Occupations Code, apply only to an application for an

4-60 original or renewal license, registration, or endorsement

4-61 submitted to the Texas Private Security Board on or after January 1,

4-62 2012. An application submitted before January 1, 2012, is governed

4-63 by the law in effect on the date the application was submitted, and

4-64 the former law is continued in effect for that purpose.

4-65 (b) Not later than February 1, 2013, the governor shall

4-66 appoint the members of the Texas Private Security Board necessary

4-67 to ensure the composition of the board complies with Section

4-68 1702.021, Occupations Code, as amended by this Act.

4-69 (c) The Texas Private Security Board shall adopt rules to

5-1 implement the changes in law made by this Act not later than January
5-2 1, 2012. A person is not required to obtain a registration or
5-3 endorsement under Section 1702.2228, Occupations Code, as added by
5-4 this Act, before January 1, 2012.

5-5 SECTION 14. This Act takes effect immediately if it
5-6 receives a vote of two-thirds of all the members elected to each
5-7 house, as provided by Section 39, Article III, Texas Constitution.
5-8 If this Act does not receive the vote necessary for immediate
5-9 effect, this Act takes effect September 1, 2011.

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