

By: Simmons

H.B. No. 2161

Substitute the following for H.B. No. 2161:

By: Phillips

C.S.H.B. No. 2161

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of certain private security companies
3 and occupations; expanding the applicability of an occupational
4 license.

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

6 SECTION 1. Section 1702.002, Occupations Code, is amended
7 by amending Subdivisions (1) and (6-a) and adding Subdivisions (4),
8 (4-a), and (4-b) to read as follows:

9 (1) "Alarm system" means:

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

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

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

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

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

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

1 ~~business, or~~

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

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

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

8 (A) records or transmits, including transmission
9 by an intranet or Internet device, an image or series of images for
10 the purposes of security or surveillance; or

11 (B) is monitored by security personnel or an
12 alarm systems monitor for the purposes of security or surveillance.

13 (4-b) "Closed circuit television or still camera
14 system" does not include:

15 (A) a device or system of devices that is used
16 exclusively:

17 (i) to view or monitor traffic conditions
18 on public roads;

19 (ii) to detect motor vehicle violations on
20 public roads;

21 (iii) for telephone or video conferencing;

22 (iv) to monitor a manufacturing process;

23 (v) for a medical purpose by medical
24 practitioners;

25 (vi) by a courtroom reporter for recording
26 or archiving depositions or testimony;

27 (vii) in the course of an ongoing

1 investigation, when installed by and remaining under the control of
2 a licensed investigations company;

3 (viii) by a law enforcement agency to
4 monitor criminal activity; or

5 (ix) for any purpose other than for the
6 purposes of security or surveillance; and

7 (B) a camera used for videoconferencing that is
8 integrated or attached to:

9 (i) a wireless communication device capable
10 of using a commercial mobile service as defined by 47 U.S.C. Section
11 332;

12 (ii) computer equipment, as defined by
13 Section 361.952, Health and Safety Code; or

14 (iii) a television, as defined by Section
15 361.952, Health and Safety Code.

16 (6-a) "Electronic access control device" means an
17 electronic, electrical, or computer-based device, including a
18 telephone entry system, that allows access to a controlled area [~~of~~
19 ~~a business,~~] but that is not monitored by security personnel or
20 services and does not send a signal to which law enforcement or
21 emergency services respond. The term does not include:

22 (A) a mechanical device, such as a deadbolt or
23 lock; or

24 (B) an operator for opening or closing a
25 commercial gate or door or an accessory, such as a fixed or portable
26 transmitter, card-reader, or keypad, if the operator or accessory
27 is used only to activate the gate or door and is not connected to an

1 alarm system.

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

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

6 (1) act as an alarm systems company, armored car
7 company, camera systems company, courier company, guard company,
8 guard dog company, locksmith company, or private security
9 consultant company;

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

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

14 SECTION 3. Subchapter F, Chapter 1702, Occupations Code, is
15 amended by adding Section 1702.1057 to read as follows:

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

18 (1) installs, services at the place of installation,
19 or sells a closed circuit television or still camera system for a
20 fee; or

21 (2) offers to perform a service described by
22 Subdivision (1) for a fee.

23 SECTION 4. Section 1702.221(b), Occupations Code, is
24 amended to read as follows:

25 (b) An individual must obtain the appropriate endorsement
26 in accordance with the requirements of this chapter and related
27 administrative rules if the individual:

- 1 (1) is employed as:
- 2 (A) an alarm instructor;
- 3 (B) an alarm systems installer;
- 4 (C) an alarm systems monitor;
- 5 (D) an electronic access control device
- 6 installer;
- 7 (E) a level 3 classroom or firearm instructor;
- 8 (F) a locksmith;
- 9 (G) a dog trainer;
- 10 (H) a manager or branch office manager;
- 11 (I) a noncommissioned security officer;
- 12 (J) a level 4 personal protection instructor;
- 13 (K) a private investigator;
- 14 (L) a private security consultant;
- 15 (M) a security salesperson; [~~or~~]
- 16 (N) a camera systems installer; or
- 17 (O) an individual whose duties include
- 18 performing another activity for which an endorsement is required
- 19 under Subsection (e); or

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

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

22 license holder.

23 SECTION 5. Subchapter J, Chapter 1702, Occupations Code, is

24 amended by adding Section 1702.2228 to read as follows:

25 Sec. 1702.2228. CAMERA SYSTEMS INSTALLER. (a) An

26 individual acts as a camera systems installer for purposes of this

27 chapter if the individual:

1 (1) installs, maintains, or repairs a closed circuit
2 television or still camera system for a fee;

3 (2) offers the services described by Subdivision (1)
4 to the public for a fee; or

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

8 (b) An individual does not act as a camera systems installer
9 for purposes of this chapter if the individual is mounting or
10 positioning hardware for a closed circuit television or still
11 camera system or connecting that hardware to an electrical outlet
12 and the individual:

13 (1) accomplishes those activities without activation
14 of or access to the recording or transmitting functions of the
15 closed circuit television or still camera system;

16 (2) performs those activities at a premises where the
17 closed circuit television or still camera system is not connected
18 to a separate dedicated recording device;

19 (3) performs those activities for a fee;

20 (4) has been subjected to a local and national
21 background check within the year preceding the date of the
22 installation that demonstrated that the individual has not been
23 previously convicted of a sexual offense or any category of a
24 criminal offense greater than a Class B misdemeanor; and

25 (5) provides verification, either personally or
26 through the entity for whom the individual is acting as an agent,
27 that the background check under Subdivision (4) demonstrates that

1 the individual who performs the activities has not been previously
2 convicted of a sexual offense or any category of a criminal offense
3 greater than a Class B misdemeanor on request of the owner or tenant
4 of the residence or business location where the individual performs
5 the installation activities.

6 SECTION 6. Section 1702.223, Occupations Code, is amended
7 by adding Subsection (c) to read as follows:

8 (c) An alarm systems installer may sell, install, maintain,
9 repair, or service a closed circuit television or still camera
10 system.

11 SECTION 7. Section 1702.224(a), Occupations Code, is
12 amended to read as follows:

13 (a) An individual acts as an alarm systems monitor for
14 purposes of this chapter if the individual monitors an alarm
15 system, closed circuit television or still camera system, or
16 detection device.

17 SECTION 8. Section 1702.324(b), Occupations Code, is
18 amended to read as follows:

19 (b) This chapter does not apply to:

20 (1) a manufacturer or a manufacturer's authorized
21 distributor while selling equipment intended for resale;

22 (2) a person engaged exclusively in the business of
23 obtaining and providing information to:

24 (A) determine creditworthiness;

25 (B) collect debts; or

26 (C) ascertain the reliability of information
27 provided by an applicant for property, life, or disability

1 insurance or an indemnity or surety bond;

2 (3) a person engaged exclusively in the business of
3 repossessing property that is secured by a mortgage or other
4 security interest;

5 (4) a person who is engaged in the business of
6 psychological testing or other testing and interviewing services,
7 including services to determine attitudes, honesty, intelligence,
8 personality, and skills, for preemployment purposes;

9 (5) a person who:

10 (A) is engaged in obtaining information that is a
11 public record under Chapter 552, Government Code, regardless of
12 whether the person receives compensation;

13 (B) is not a full-time employee, as defined by
14 Section 61.001, Labor Code, of a person licensed under this
15 chapter; and

16 (C) does not perform any other act that requires
17 a license under this chapter;

18 (6) a licensed engineer practicing engineering or
19 directly supervising engineering practice under Chapter 1001,
20 including forensic analysis, burglar alarm system engineering, and
21 necessary data collection;

22 (7) an employee of a cattle association who inspects
23 livestock brands under the authority granted to the cattle
24 association by the Grain Inspection, Packers and Stockyards
25 Administration of the United States Department of Agriculture;

26 (8) a landman performing activities in the course and
27 scope of the landman's business;

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

2 (10) a person who obtains a document for use in
3 litigation under an authorization or subpoena issued for a written
4 or oral deposition;

5 (11) an admitted insurer, insurance adjuster, agent,
6 or insurance broker licensed by the state, performing duties in
7 connection with insurance transacted by that person;

8 (12) a person who on the person's own property or on
9 property owned or managed by the person's employer:

10 (A) installs, changes, or repairs a:

11 (i) mechanical security device; or

12 (ii) closed circuit television or still
13 camera system;

14 (B) repairs an electronic security device; or

15 (C) cuts or makes a key for a security device;

16 (13) security personnel, including security contract
17 personnel, working at a commercial nuclear power plant licensed by
18 the United States Nuclear Regulatory Commission;

19 (14) a person or firm licensed as an accountant or
20 accounting firm under Chapter 901, an owner of an accounting firm,
21 or an employee of an accountant or accounting firm while performing
22 services regulated under Chapter 901;

23 (15) a retailer, wholesaler, or other person who sells
24 mechanical security devices, including locks and deadbolts, but who
25 does not:

26 (A) service mechanical security devices for the
27 public outside of the person's premises; or

1 (B) claim to act as a locksmith;
2 (16) an employee while performing investigative
3 services that would otherwise be subject to this chapter for a
4 federally insured financial institution or an entity regulated by
5 the:

6 (A) Texas Department of Insurance;
7 (B) [~~Office of Thrift Supervision,~~
8 [~~(C)~~] Securities and Exchange Commission;
9 [~~(D) Federal Deposit Insurance Corporation,~~] or
10 (C) [~~(E)~~] Financial Industry Regulatory
11 Authority;

12 (17) a social worker who holds a license issued under
13 Chapter 505 who is engaged in the practice of social work;

14 (18) persons licensed under Chapter 1101, an
15 association thereof, their authorized agents, or a multiple listing
16 service, engaged in the business of selling, maintaining,
17 repairing, programming, or placing lockboxes used for accessing
18 real property; [~~or~~]

19 (19) an automobile club that holds a certificate of
20 authority under Chapter 722, Transportation Code, its
21 subcontractor, or a business that provides similar services, that
22 unlocks a vehicle at the request of the owner or operator of the
23 vehicle and that does not otherwise perform a locksmith service; or

24 (20) a retailer, wholesaler, or other person who sells
25 closed circuit television or still camera systems and does not:

26 (A) install or service closed circuit television
27 or still camera systems for the public outside the person's

1 premises; or

2 (B) claim to act as a camera systems company.

3 SECTION 9. Section 1702.328, Occupations Code, is amended
4 to read as follows:

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

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

16 (2) a person in the business of building construction
17 that installs electrical wiring and devices that may include in
18 part the installation of a burglar alarm or detection device or a
19 closed circuit television or still camera system if:

20 (A) the person is a party to a contract that
21 provides that:

22 (i) the installation will be performed,
23 ~~[under the direct supervision of, and]~~ inspected, and certified
24 by~~[,]~~ a person licensed to install and certify the alarm or
25 detection device or closed circuit television or still camera
26 system; and

27 (ii) the license holder assumes full

1 responsibility for the installation of the system [~~alarm~~] or
2 [~~detection~~] device; and

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

6 (3) a person who sells or installs automobile burglar
7 alarm devices and who does not perform any other act that requires a
8 license under this chapter; [~~or~~]

9 (4) a person who sells exclusively by e-commerce, over
10 the counter transactions, or mail order, alarm systems, electronic
11 access control devices, locks, closed circuit television or still
12 camera systems, or detection devices; or

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

16 SECTION 10. (a) The changes in law made by this Act to
17 Chapter 1702, Occupations Code, apply only to an application for an
18 original or renewal license, registration, or endorsement
19 submitted to the Texas Private Security Board on or after January 1,
20 2016. An application submitted before January 1, 2016, is governed
21 by the law in effect on the date the application was submitted, and
22 the former law is continued in effect for that purpose.

23 (b) The Texas Private Security Board shall adopt rules to
24 implement the changes in law made by this Act not later than January
25 1, 2016. A person is not required to obtain a registration or
26 endorsement under Section 1702.2228, Occupations Code, as added by
27 this Act, before January 1, 2016.

1 SECTION 11. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2015.