

By: Simmons

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.

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 and (4-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 (C) is not used exclusively:

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

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

16 (iii) for telephone or video conferencing;

17 (iv) to monitor a manufacturing process;

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

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

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

25 (viii) by a law enforcement agency to
26 monitor criminal activity; and

27 (D) does not include a camera used for

1 videoconferencing that is integrated or attached to:

2 (i) a wireless communication device capable
3 of using a commercial mobile service as defined by 47 U.S.C. Section
4 332;

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

7 (iii) a television, as defined by Section
8 361.952, Health and Safety Code.

9 (6-a) "Electronic access control device" means an
10 electronic, electrical, or computer-based device, including a
11 telephone entry system, that allows access to a controlled area [~~of~~
12 ~~a business,~~] but that is not monitored by security personnel or
13 services and does not send a signal to which law enforcement or
14 emergency services respond. The term does not include:

15 (A) a mechanical device, such as a deadbolt or
16 lock; or

17 (B) an operator for opening or closing a
18 commercial gate or door or an accessory, such as a fixed or portable
19 transmitter, card-reader, or keypad, if the operator or accessory
20 is used only to activate the gate or door and is not connected to an
21 alarm system.

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

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

26 (1) act as an alarm systems company, armored car
27 company, camera systems company, courier company, guard company,

1 guard dog company, locksmith company, or private security
2 consultant company;

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

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

7 SECTION 3. 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, or services a closed circuit
12 television or still camera system; or

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

15 SECTION 4. 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 5. Subchapter J, Chapter 1702, Occupations Code, is

16 amended by adding Section 1702.2228 to read as follows:

17 Sec. 1702.2228. CAMERA SYSTEMS INSTALLER. An individual

18 acts as a camera systems installer for purposes of this chapter if

19 the individual:

20 (1) installs, maintains, or repairs a closed circuit

21 television or still camera system; or

22 (2) advertises or offers the services under

23 Subdivision (1) to the public or represents to the public that the

24 person is a camera systems installer.

25 SECTION 6. Section 1702.224(a), Occupations Code, is

26 amended to read as follows:

27 (a) An individual acts as an alarm systems monitor for

1 purposes of this chapter if the individual monitors an alarm
2 system, closed circuit television or still camera system, or
3 detection device.

4 SECTION 7. Section 1702.324(b), Occupations Code, is
5 amended to read as follows:

6 (b) This chapter does not apply to:

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

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

11 (A) determine creditworthiness;

12 (B) collect debts; or

13 (C) ascertain the reliability of information
14 provided by an applicant for property, life, or disability
15 insurance or an indemnity or surety bond;

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

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

23 (5) a person who:

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

27 (B) is not a full-time employee, as defined by

1 Section 61.001, Labor Code, of a person licensed under this
2 chapter; and

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

5 (6) a licensed engineer practicing engineering or
6 directly supervising engineering practice under Chapter 1001,
7 including forensic analysis, burglar alarm system engineering, and
8 necessary data collection;

9 (7) an employee of a cattle association who inspects
10 livestock brands under the authority granted to the cattle
11 association by the Grain Inspection, Packers and Stockyards
12 Administration of the United States Department of Agriculture;

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

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

16 (10) a person who obtains a document for use in
17 litigation under an authorization or subpoena issued for a written
18 or oral deposition;

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

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

24 (A) installs, changes, or repairs a:
25 (i) mechanical security device; or
26 (ii) closed circuit television or still
27 camera system;

1 (B) repairs an electronic security device; or

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

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

6 (14) a person or firm licensed as an accountant or
7 accounting firm under Chapter 901, an owner of an accounting firm,
8 or an employee of an accountant or accounting firm while performing
9 services regulated under Chapter 901;

10 (15) a retailer, wholesaler, or other person who sells
11 mechanical security devices, including locks and deadbolts, but who
12 does not:

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

15 (B) claim to act as a locksmith;

16 (16) an employee while performing investigative
17 services that would otherwise be subject to this chapter for an
18 entity regulated by the:

19 (A) Texas Department of Insurance;

20 (B) Office of the Comptroller of the Currency
21 [~~Thrift Supervision~~];

22 (C) Securities and Exchange Commission;

23 (D) Federal Deposit Insurance Corporation; or

24 (E) Financial Industry Regulatory Authority;

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

27 (18) persons licensed under Chapter 1101, an

1 association thereof, their authorized agents, or a multiple listing
2 service, engaged in the business of selling, maintaining,
3 repairing, programming, or placing lockboxes used for accessing
4 real property; ~~or~~

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

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

12 (A) install or service closed circuit television
13 or still camera systems for the public outside the person's
14 premises; or

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

16 SECTION 8. Section 1702.328, Occupations Code, is amended
17 to read as follows:

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

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

1 license under this chapter;

2 (2) a person in the business of building construction
3 that installs electrical wiring and devices that may include in
4 part the installation of a burglar alarm or detection device or a
5 closed 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 or
11 detection device or closed circuit television or still camera
12 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, closed circuit television or still
25 camera systems, or detection devices and who does not perform any
26 other act that requires a license under this chapter; or

27 (5) a local governmental entity that installs or has a

1 licensed contractor install a closed circuit television or still
2 camera system for purposes of public safety.

3 SECTION 9. (a) The changes in law made by this Act to
4 Chapter 1702, Occupations Code, apply only to an application for an
5 original or renewal license, registration, or endorsement
6 submitted to the Texas Private Security Board on or after January 1,
7 2016. An application submitted before January 1, 2016, is governed
8 by the law in effect on the date the application was submitted, and
9 the former law is continued in effect for that purpose.

10 (b) The Texas Private Security Board shall adopt rules to
11 implement the changes in law made by this Act not later than January
12 1, 2016. A person is not required to obtain a registration or
13 endorsement under Section 1702.2228, Occupations Code, as added by
14 this Act, before January 1, 2016.

15 SECTION 10. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this Act takes effect September 1, 2015.