

By: Simmons

H.B. No. 2162

Substitute the following for H.B. No. 2162:

By: Elkins

C.S.H.B. No. 2162

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of the use of alarm systems;  
authorizing a municipal fee.

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

SECTION 1. Section [214.191](#), Local Government Code, is amended to read as follows:

Sec. 214.191. DEFINITIONS. In this subchapter:

(1) "Alarm system" has the meaning assigned by Section [1702.002](#), Occupations Code ~~[means a device or system that transmits a signal intended to summon police of a municipality in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises].~~

(2) "Alarm systems monitor" means a person who acts as an alarm systems company under Section [1702.105](#), Occupations Code.

(3) "False alarm" means a notification of possible criminal activity reported to law enforcement:

(A) that is based solely on electronic information remotely received by an alarm systems monitor;

(B) that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and

(C) concerning which an agency of the

1 municipality has verified that no emergency exists after an on-site  
2 inspection of the location from which the notification originated.

3 (4) [~~2~~] "Permit" means a certificate, license,  
4 permit, or other form of permission that authorizes a person to  
5 engage in an action.

6 SECTION 2. Section 214.194(b), Local Government Code, is  
7 amended to read as follows:

8 (b) A municipal permit fee imposed under this section for an  
9 alarm system may not exceed the rate of:

10 (1) \$50 a year for a residential location; and

11 (2) \$250 a year for other alarm system locations.

12 SECTION 3. The heading to Section 214.195, Local Government  
13 Code, is amended to read as follows:

14 Sec. 214.195. NONRENEWAL OR REVOCATION OF PERMIT; ~~[AND]~~  
15 TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.

16 SECTION 4. Section 214.195, Local Government Code, is  
17 amended by amending Subsection (a) and adding Subsection (e) to  
18 read as follows:

19 (a) Except as provided in Subsections [~~Subsection~~] (d) and  
20 (e), a municipality may not terminate its law enforcement response  
21 to a residential permit holder because of excess false alarms if the  
22 false alarm fees are paid in full.

23 (e) A municipality may refuse to respond to a location if  
24 the location has had more than eight other false alarms during the  
25 preceding 12-month period.

26 SECTION 5. Section 214.196, Local Government Code, is  
27 amended to read as follows:

1           Sec. 214.196. ON-SITE INSPECTION REQUIRED. A municipality  
2 may not consider a false alarm to have occurred unless [~~a response~~  
3 ~~is made by~~] an agency of the municipality [~~within 30 minutes of the~~  
4 ~~alarm notification and the agency~~] determines from an inspection of  
5 the interior or exterior of the premises that the alarm report by an  
6 alarm systems monitor was false.

7           SECTION 6. Section 214.197, Local Government Code, is  
8 amended to read as follows:

9           Sec. 214.197. PENALTIES FOR FALSE ALARMS. (a) A  
10 municipality may impose a penalty for the report [~~signaling~~] of a  
11 false alarm by an alarm systems monitor [~~a burglar alarm system~~] if  
12 at least three other false alarms have occurred during the  
13 preceding 12-month period. The amount of the penalty for the report  
14 [~~signaling~~] of a false alarm as described by Section 214.196 may not  
15 exceed:

16           (1) \$50, if the location has had more than three but  
17 fewer than six other false alarms in the preceding 12-month period;

18           (2) \$75, if the location has had more than five but  
19 fewer than eight other false alarms in the preceding 12-month  
20 period; or

21           (3) \$100, if the location has had eight or more other  
22 false alarms in the preceding 12-month period.

23           (b) A municipality may not impose a penalty authorized under  
24 Subsection (a) if visual proof of possible criminal activity  
25 recorded by an alarm systems monitor is provided to the  
26 municipality before the inspection of the premises by an agency of  
27 the municipality.

1        (c) A municipality:

2            (1) may impose a penalty for the report of a false  
3 alarm by a person not licensed under Chapter 1702, Occupations  
4 Code; and

5            (2) may not impose a penalty for the report of a false  
6 alarm by a person licensed under Chapter 1702, Occupations Code.

7        (d) A municipality may not impose or collect any fine, fee,  
8 or penalty related to a false alarm or alarm system unless the fine,  
9 fee, or penalty is defined in the ordinance in accordance with this  
10 subchapter.

11        SECTION 7. The heading to Section 214.198, Local Government  
12 Code, is amended to read as follows:

13        Sec. 214.198. PROCEDURES FOR REDUCING FALSE ALARMS  
14 [~~VERIFICATION~~].

15        SECTION 8. Section 214.200(b), Local Government Code, is  
16 amended to read as follows:

17        (b) A municipality that does not respond to an alarm system  
18 signal is not liable for damages that may occur relating to the  
19 cause of the alarm system signal.

20        SECTION 9. Subchapter F, Chapter 214, Local Government  
21 Code, is amended by adding Section 214.201 to read as follows:

22        Sec. 214.201. EXCEPTIONS FOR CERTAIN ALARM SYSTEMS. (a) A  
23 property owner or an agent of the property owner authorized to make  
24 decisions regarding the use of the property may, without permission  
25 or exception of the municipality, elect to exclude the municipality  
26 from receiving an alarm signal by an alarm system located on the  
27 owner's property.

1       (b) If an election is made under Subsection (a), the  
2 municipality:

3           (1) may not impose a fee to obtain a permit to use the  
4 alarm system;

5           (2) may impose a fee, not to exceed \$250, for each law  
6 enforcement response to a signal from the alarm system requested by  
7 an alarm systems monitor; and

8           (3) may not impose or collect any other fine, fee, or  
9 penalty related to the alarm system.

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