

By: Simmons

H.B. No. 2162

A BILL TO BE ENTITLED

1 AN ACT
2 relating to municipal regulation of the use of alarm systems and
3 camera systems; authorizing a municipal fee.

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

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

7 Sec. 214.191. DEFINITIONS. In this subchapter:

8 (1) "Alarm system" has the meaning assigned by Section
9 [1702.002](#), Occupations Code [~~means a device or system that transmits~~
10 ~~a signal intended to summon police of a municipality in response to~~
11 ~~a burglary. The term includes an alarm that emits an audible signal~~
12 ~~on the exterior of a structure. The term does not include an alarm~~
13 ~~installed on a vehicle, unless the vehicle is used for a habitation~~
14 ~~at a permanent site, or an alarm designed to alert only the~~
15 ~~inhabitants within the premises]~~.

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

18 (3) "Camera systems company" means a person who:

19 (A) sells, installs, or services a closed circuit
20 television, camera system, surveillance system, or still camera
21 system; or

22 (B) offers to perform a service described by
23 Paragraph (A).

24 (4) "Closed circuit television," "camera system,"

1 "surveillance system," or "still camera system" means a device or
2 system of devices that:

3 (A) records or transmits, including transmission
4 by an intranet or Internet device, an image or series of images for
5 the purpose of security or surveillance;

6 (B) is monitored by security personnel or an
7 alarm systems monitor for the purpose of security or surveillance;

8 (C) is not used exclusively:

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

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

13 (iii) for telephone or video conferencing;

14 (iv) to monitor a manufacturing process;

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

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

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

22 (viii) by a law enforcement agency to
23 monitor criminal activity; and

24 (D) does not include a camera used for
25 videoconferencing that is integrated with or attached to:

26 (i) a wireless communication device capable
27 of using a commercial mobile service as defined by 47 U.S.C. Section

1 332;

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

4 (iii) a television, as defined by Section
5 361.952, Health and Safety Code.

6 (5) "False alarm" means a notification of possible
7 criminal activity reported to law enforcement that is:

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

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

12 (C) verified by an agency of the municipality
13 that no emergency exists after an on-site inspection of the
14 location from which the notification originated.

15 (6) [~~2~~] "Permit" means a certificate, license,
16 permit, or other form of permission that authorizes a person to
17 engage in an action.

18 SECTION 2. Section 214.193, Local Government Code, is
19 amended to read as follows:

20 Sec. 214.193. DURATION OF MUNICIPAL PERMIT. (a) If a
21 municipality adopts an ordinance that requires a person to obtain a
22 permit from the municipality before a person may use an alarm system
23 or act as a camera systems company in the municipality, the
24 ordinance must provide that the permit is valid for at least one
25 year.

26 (b) This requirement does not affect the authority of the
27 municipality to:

1 (1) revoke, suspend, or otherwise affect the duration
2 of a permit for disciplinary reasons at any time during the period
3 for which the permit is issued; ~~or~~

4 (2) make a permit valid for a period of less than one
5 year if necessary to conform the permit to the termination schedule
6 established by the municipality for permits; or

7 (3) make a permit valid for a period of less than one
8 year if necessary to conform the permit to a municipal ordinance
9 that references a camera systems company.

10 SECTION 3. Section 214.194, Local Government Code, is
11 amended by adding Subsection (a-1) and amending Subsection (b) to
12 read as follows:

13 (a-1) If a municipality adopts an ordinance that requires a
14 person to pay an annual fee to obtain a permit from the municipality
15 before the person may act as a camera systems company in the
16 municipality, the fee shall be used for the:

17 (1) processing, maintenance, and issuance of the
18 permit;

19 (2) maintenance and oversight of the permitting
20 system; and

21 (3) regulation and enforcement actions that relate to
22 camera system permits.

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

25 (1) \$50 a year for a residential location; and

26 (2) \$100 a year for other alarm system locations.

27 SECTION 4. Subchapter F, Chapter 214, Local Government

1 Code, is amended by adding Section 214.1945 to read as follows:

2 Sec. 214.1945. MUNICIPAL CAMERA SYSTEMS PERMIT. (a) If a
3 municipality adopts an ordinance that requires a person to obtain a
4 permit from the municipality before the person may act as a camera
5 systems company in the municipality, the ordinance must require an
6 applicant for a permit, at a minimum, to:

7 (1) identify the business or contractor;

8 (2) describe the scope of the work to be performed; and

9 (3) provide, for each employee and contractor who will
10 have access to the camera system or camera system records, photo
11 identification that is issued by the state.

12 (b) A municipality may not adopt or enforce an ordinance
13 that:

14 (1) requires a person to pay an annual fee to obtain a
15 permit from the municipality to use a camera system; or

16 (2) violates Section 1702.134, Occupations Code.

17 (c) A municipality may not require a person licensed under
18 Chapter 1702, Occupations Code, to obtain a permit described by
19 Subsection (a).

20 SECTION 5. The heading to Section 214.195, Local Government
21 Code, is amended to read as follows:

22 Sec. 214.195. NONRENEWAL OR REVOCATION OF PERMIT; ~~AND~~
23 TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.

24 SECTION 6. Section 214.195, Local Government Code, is
25 amended by amending Subsection (a) and adding Subsection (e) to
26 read as follows:

27 (a) Except as provided in Subsections ~~[Subsection]~~ (d) and

1 (e), a municipality may not terminate its law enforcement response
2 to a residential permit holder because of excess false alarms if the
3 false alarm fees are paid in full.

4 (e) A municipality may refuse to respond to a location if
5 the location has had more than eight other false alarms in the
6 preceding 12-month period.

7 SECTION 7. Section 214.196, Local Government Code, is
8 amended to read as follows:

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

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

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

24 (1) \$50, if the location has had more than three but
25 fewer than six other false alarms in the preceding 12-month period;

26 (2) \$75, if the location has had more than five but
27 fewer than eight other false alarms in the preceding 12-month

1 period; or

2 (3) \$100, if the location has had eight or more other
3 false alarms in the preceding 12-month period.

4 (b) A municipality may not impose a penalty authorized under
5 Subsection (a) if visual proof of possible criminal activity
6 recorded by an alarm systems monitor or camera system is provided to
7 the municipality before the inspection of the premises by an agency
8 of the municipality.

9 (c) A municipality may impose a penalty for the report of a
10 false alarm by a person not licensed under Chapter 1702,
11 Occupations Code.

12 (d) A municipality may not impose or collect any fine, fee,
13 or penalty related to a false alarm, alarm system, or camera system
14 unless the fine, fee, or penalty is defined in the ordinance in
15 accordance with this subchapter.

16 SECTION 9. Section 214.200(b), Local Government Code, is
17 amended to read as follows:

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

21 SECTION 10. Subchapter F, Chapter 214, Local Government
22 Code, is amended by adding Section 214.201 to read as follows:

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

1 owner's property.

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

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

6 (2) may impose a fee, not to exceed \$100, for each law
7 enforcement response to a signal from the alarm system requested by
8 an alarm systems monitor; and

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

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