

By: Simmons

H.B. No. 3115

Substitute the following for H.B. No. 3115:

By: Burns

C.S.H.B. No. 3115

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the administration and enforcement of the Private  
3 Security Act.

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

5 SECTION 1. Section 1702.061, Occupations Code, is amended  
6 by adding Subsection (c-1) to read as follows:

7 (c-1) The board may not adopt or enforce any rule or take any  
8 action that distinguishes between persons or that favors one person  
9 over another on the basis of the number of persons licensed,  
10 registered, or commissioned under this chapter.

11 SECTION 2. The heading to Section 1702.239, Occupations  
12 Code, is amended to read as follows:

13 Sec. 1702.239. TRAINING REQUIREMENTS FOR ALARM SYSTEMS  
14 INSTALLER, ALARM SYSTEMS MONITOR, AND SECURITY SALESPERSON;  
15 EXAMINATION.

16 SECTION 3. Sections 1702.239(a) and (d), Occupations Code,  
17 are amended to read as follows:

18 (a) The board may require that an individual employed as an  
19 alarm systems installer or security salesperson hold a  
20 certification by a board-approved training program to renew an  
21 endorsement. The board may approve [~~only~~] nationally recognized  
22 training programs that consist of at least 16 hours of classroom  
23 study in the areas of work allowed by the endorsement or any  
24 professional training program reasonably related to a service

1 regulated under this section. To be approved, a training program  
2 must offer at least two certification programs each year,  
3 sufficient to complete the requirements of this subsection, within  
4 100 miles of each county in the state that has a population of more  
5 than one million [~~500,000~~].

6 (d) If the board requires certification or examination  
7 under this section, the board may [~~shall~~] implement rules to  
8 require that to renew an endorsement, an individual who is employed  
9 as an alarm systems installer or a security salesperson and who has  
10 already once renewed the endorsement, or an individual who is  
11 employed as an alarm systems monitor, must obtain continuing  
12 education credits related to the line of work for which the  
13 individual is licensed. If the board requires the continuing  
14 education, the chief administrator may [~~must~~] approve classes  
15 offered by nationally recognized organizations or may approve any  
16 professional training class reasonably related to a service  
17 regulated under this section. Participants [~~, and participants~~] in  
18 the classes must qualify according to board rules.

19 SECTION 4. Sections 1702.288(d) and (e), Occupations Code,  
20 are amended to read as follows:

21 (d) The rules shall require that, not later than the seventh  
22 day after the date of selling an alarm monitoring contract to  
23 [~~entering into a contract for services regulated by the board with~~]  
24 another alarm systems company [~~or alarm systems monitor~~], an alarm  
25 systems company shall[+]

26 [~~(1)~~] notify the recipient of [~~those~~] services under  
27 the contract of the name, address, and telephone number of and

1 individual to contact at the company that purchased the contract[+  
2 ~~[(2) notify the recipient of services at the time the~~  
3 ~~contract is negotiated that another licensed company may provide~~  
4 ~~any of the services requested by subcontracting or outsourcing~~  
5 ~~those services; and~~

6 ~~[(3) if any of the services are subcontracted or~~  
7 ~~outsourced to a licensed third party, notify the recipient of~~  
8 ~~services, by mail, of the name, address, phone number, and license~~  
9 ~~number of the company providing those services].~~

10 (e) The rules shall require that notice provided to a  
11 recipient of services under Subsection (d) shall[+]

12 ~~[(1)]~~ be mailed to the recipient in a written form that  
13 emphasizes the required information[+and

14 ~~[(2) include stickers or other materials to be affixed~~  
15 ~~to an alarm system indicating the alarm systems company's or alarm~~  
16 ~~systems monitor's new telephone number].~~

17 SECTION 5. Section 1702.289, Occupations Code, is amended  
18 to read as follows:

19 Sec. 1702.289. INSPECTIONS. (a) An employee or agent of  
20 the department or board, as applicable, who enters the place of  
21 business of a person regulated under this chapter for the purpose of  
22 conducting an inspection [~~or audit~~] must:

23 (1) notify the manager or owner of the business of the  
24 presence of the person conducting the inspection [~~or audit~~]; [and]

25 (2) present the manager or owner of the business with  
26 credentials that identify the person conducting the inspection [~~or~~  
27 ~~audit~~] as an employee or agent of the department or board; and

1           (3) explain the basis for the inspection, including  
2 any applicable complaint.

3           (b) This section does not prohibit the department or board  
4 from conducting an undercover investigation or covert observation  
5 [~~audit in order~~] to determine compliance with this chapter or a rule  
6 adopted under this chapter.

7           (c) In this section, "inspection" means an examination  
8 conducted in response to a complaint or specific event suggestive  
9 of a potential violation of this chapter or a rule adopted under  
10 this chapter.

11           SECTION 6. Subchapter L, Chapter 1702, Occupations Code, is  
12 amended by adding Section 1702.290 to read as follows:

13           Sec. 1702.290. AUDITS. (a) An employee or agent of the  
14 department or board, as applicable, who enters the place of  
15 business of a person regulated under this chapter for the purpose of  
16 conducting an audit must:

17           (1) notify the manager or owner of the business of the  
18 presence of the person conducting the audit; and

19           (2) present the manager or owner of the business with  
20 credentials that identify the person conducting the audit as an  
21 employee or agent of the department or board.

22           (b) This section does not prohibit the department or board  
23 from conducting an undercover investigation or covert observation  
24 to determine compliance with this chapter or a rule adopted under  
25 this chapter.

26           (c) In this section, "audit" means a random or routine  
27 review and evaluation of a license holder's records, equipment, and

1 facilities for the purpose of ensuring compliance with this chapter  
2 or a rule adopted under this chapter.

3 SECTION 7. Section 1702.370, Occupations Code, is amended  
4 to read as follows:

5 Sec. 1702.370. EFFECT OF SUSPENSION; MONITORING OF  
6 EXISTING ALARM CONTRACTS. Subject to expiration of the license  
7 under Section 1702.306, a license holder may continue to monitor  
8 under an existing alarm contract [~~or contract to monitor under an~~  
9 ~~existing alarm contract~~] for 45 [~~30~~] days after the date of  
10 suspension of the person's license.

11 SECTION 8. This Act takes effect September 1, 2017.