

By: Simmons

H.B. No. 3115

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of certain professions under 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. Sections 1702.239(a) and (d), Occupations Code,
12 are amended to read as follows:

13 (a) The board may require that an individual employed as an
14 alarm systems installer or security salesperson hold a
15 certification by a board-approved training program to renew an
16 endorsement. The board may approve only nationally recognized
17 training programs that consist of at least 16 hours of classroom
18 study in the areas of work allowed by the endorsement. To be
19 approved, a training program must offer at least two certification
20 programs each year, sufficient to complete the requirements of this
21 subsection, within 100 miles of each county in the state that has a
22 population of more than one million [500,000].

23 (d) If the board requires certification or examination
24 under this section, the board may not [~~shall~~] implement rules to

1 require that to renew an endorsement, an individual who is employed
2 as an alarm systems installer or a security salesperson and who has
3 already once renewed the endorsement must obtain continuing
4 education credits related to the line of work for which the
5 individual is licensed. [~~If the board requires the continuing
6 education, the chief administrator must approve classes offered by
7 nationally recognized organizations, and participants in the
8 classes must qualify according to board rules.~~]

9 SECTION 3. Sections 1702.288(d) and (e), Occupations Code,
10 are amended to read as follows:

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

16 [~~(1)~~] notify the recipient of [~~those~~] services under
17 the contract of the name, address, and telephone number and
18 individual to contact at the company that purchased the contract[+]

19 [~~(2)~~] ~~notify the recipient of services at the time the~~
20 ~~contract is negotiated that another licensed company may provide~~
21 ~~any of the services requested by subcontracting or outsourcing~~
22 ~~those services, and~~

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

27 (e) The rules shall require that notice provided to a

1 recipient of services under Subsection (d) shall~~+~~
2 ~~[(1)]~~ be mailed to the recipient in a written form that
3 emphasizes the required information~~+, and~~
4 ~~[(2) include stickers or other materials to be affixed~~
5 ~~to an alarm system indicating the alarm systems company's or alarm~~
6 ~~systems monitor's new telephone number].~~

7 SECTION 4. Section 1702.289, Occupations Code, is amended
8 to read as follows:

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

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

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

18 (3) have reasonable suspicion of a violation of this
19 chapter or a rule adopted under this chapter.

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

24 SECTION 5. Subchapter L, Chapter 1702, Occupations Code, is
25 amended by adding Section 1702.290 to read as follows:

26 Sec. 1702.290. AUDITS. (a) An employee or agent of the
27 department or board, as applicable, who enters the place of

1 business of a person regulated under this chapter for the purpose of
2 conducting an audit must:

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

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

8 (b) An employee or agent of the department or board, as
9 applicable, who enters the place of business of a person regulated
10 under this chapter for the purpose of conducting an audit may not
11 conduct an audit without the express consent of the manager or owner
12 of the business.

13 (c) This section does not prohibit the department or board
14 from conducting an undercover investigation or covert observation
15 to determine compliance with this chapter or a rule adopted under
16 this chapter.

17 SECTION 6. Section 1702.308(a), Occupations Code, is
18 amended to read as follows:

19 (a) This section does not apply to a noncommissioned
20 security officer or an employee of an alarm systems company.

21 SECTION 7. Section 1702.370, Occupations Code, is amended
22 to read as follows:

23 Sec. 1702.370. EFFECT OF SUSPENSION; MONITORING OF
24 EXISTING ALARM CONTRACTS. Subject to expiration of the license
25 under Section 1702.306, a license holder may continue to monitor
26 under an existing alarm contract [~~or contract to monitor under an~~
27 ~~existing alarm contract~~] for 45 [~~30~~] days after the date of

1 suspension of the person's license.

2 SECTION 8. Section 1702.388, Occupations Code, is amended
3 by amending Subsection (b) and adding Subsection (c) to read as
4 follows:

5 (b) Except as provided by Subsection (c), an [An] offense
6 under this section is a Class A misdemeanor, except that the offense
7 is a felony of the third degree if the person has previously been
8 convicted under this chapter of failing to hold a license,
9 registration, endorsement, certificate, or commission that the
10 person is required to hold under this chapter.

11 (c) An offense under this section for a violation of a rule
12 adopted under this chapter is a Class C misdemeanor.

13 SECTION 9. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 10. This Act takes effect September 1, 2017.