

By: Birdwell, et al.

S.B. No. 616

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the continuation and functions of the Department of  
3 Public Safety of the State of Texas, the conditional transfer of the  
4 driver licensing program to the Texas Department of Motor Vehicles,  
5 the abolition of the Texas Private Security Board, the transfer of  
6 the motorcycle and off-highway vehicle operator training programs  
7 to the Texas Department of Licensing and Regulation, and the  
8 regulation of other programs administered by the Department of  
9 Public Safety; imposing an administrative penalty; authorizing and  
10 repealing the authorization for fees.

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

12 ARTICLE 1. CONTINUATION OF DEPARTMENT OF PUBLIC SAFETY AND  
13 MISCELLANEOUS ADMINISTRATIVE PROVISIONS

14 SECTION 1.001. Section 411.002(c), Government Code, is  
15 amended to read as follows:

16 (c) The Department of Public Safety of the State of Texas is  
17 subject to Chapter 325 (Texas Sunset Act). Unless continued in  
18 existence as provided by that chapter, the department is abolished  
19 and Subsections (a) and (b) expire September 1, 2031 [~~2019~~].

20 SECTION 1.002. Section 411.0031, Government Code, is  
21 amended by amending Subsection (b) and adding Subsection (d) to  
22 read as follows:

23 (b) The training program must provide the person with  
24 information regarding:

1 (1) the law governing [~~legislation that created~~] the  
2 department's operations [~~department and the commission~~];

3 (2) the programs, functions, rules, and budget of  
4 [~~operated by~~] the department;

5 (3) the scope of and limitations on the rulemaking  
6 authority of the commission [~~role and functions of the department~~];

7 (4) the results of the most recent formal audit  
8 [~~rules~~] of the department [~~, with an emphasis on the rules that~~  
9 ~~relate to disciplinary and investigatory authority~~];

10 (5) [~~the current budget for the department;~~

11 [~~(6) the results of the most recent formal audit of the~~  
12 ~~department;~~

13 [~~(7)~~] the requirements of:

14 (A) laws relating to [~~the~~] open meetings, law, [~~law,~~  
15 ~~Chapter 551,~~

16 [~~(B) the~~] public information, law, [~~law, Chapter 552,~~

17 [~~(C) the~~] administrative procedure, law, [~~law,~~  
18 ~~Chapter 2001,~~] and disclosing conflicts of interest

19 [~~(D) other laws relating to public officials,~~  
20 ~~including conflict of interest laws~~]; and

21 (B) other laws applicable to members of the  
22 commission in performing their duties; and

23 (6) [~~(8)~~] any applicable ethics policies adopted by  
24 the department or the Texas Ethics Commission.

25 (d) The director shall create a training manual that  
26 includes the information required by Subsection (b). The director  
27 shall distribute a copy of the training manual annually to each

1 member of the commission. Each member of the commission shall sign  
2 and submit to the director a statement acknowledging that the  
3 member received and has reviewed the training manual.

4 SECTION 1.003. Subchapter A, Chapter 411, Government Code,  
5 is amended by adding Section 411.0045 to read as follows:

6 Sec. 411.0045. PHYSICAL FITNESS PROGRAMS. The commission  
7 shall adopt:

8 (1) physical fitness programs in accordance with  
9 Section 614.172; and

10 (2) a resolution certifying that the programs adopted  
11 under Subdivision (1) are consistent with generally accepted  
12 scientific standards and meet all applicable requirements of state  
13 and federal labor and employment law.

14 SECTION 1.004. Article 59.11, Code of Criminal Procedure,  
15 is repealed.

16 SECTION 1.005. The Department of Public Safety shall:

17 (1) develop and implement best practices for the  
18 collection, protection, and sharing of personal information held by  
19 the department; and

20 (2) not later than September 1, 2020, submit to the  
21 legislature a report regarding the department's development and  
22 implementation of the best practices under Subdivision (1).

23 ARTICLE 2. BORDER SECURITY

24 SECTION 2.001. Subchapter D, Chapter 411, Government Code,  
25 is amended by adding Section 411.055 to read as follows:

26 Sec. 411.055. ANNUAL REPORT ON BORDER CRIME AND OTHER  
27 CRIMINAL ACTIVITY. (a) Not later than May 30 of each year, the

1 department shall submit to the legislature a report on border crime  
2 and other criminal activity. The report must include:

3 (1) statistics for each month of the preceding  
4 calendar year and yearly totals of all border crime, as defined by  
5 Section 772.0071, and other criminal activity, including  
6 transnational criminal activity, the department determines relates  
7 to border security that occurred in each county included in a  
8 department region that is adjacent to the Texas-Mexico border; and

9 (2) statewide crime statistics for the crimes reported  
10 under Subdivision (1).

11 (b) In compiling the information for the report, the  
12 department shall use information available in the National  
13 Incident-Based Reporting System of the Uniform Crime Reporting  
14 Program of the Federal Bureau of Investigation and the Texas  
15 Incident-Based Reporting System of the department.

16 ARTICLE 3. METAL RECYCLING, VEHICLE INSPECTION, AND PROVISIONS  
17 APPLYING TO MORE THAN ONE REGULATORY PROGRAM

18 SECTION 3.001. Section 411.0891, Government Code, is  
19 amended by amending Subsection (a) and adding Subsection (d) to  
20 read as follows:

21 (a) Subject to Section 411.087, the department is  
22 authorized to obtain and use criminal history record information  
23 maintained by the Federal Bureau of Investigation or the department  
24 that relates to a person who:

25 (1) is an applicant for or holds a registration issued  
26 by the director under Subchapter C, Chapter 481, Health and Safety  
27 Code, that authorizes the person to manufacture, distribute,

1 analyze, or conduct research with a controlled substance;

2 (2) is an applicant for or holds a registration issued  
3 by the department under Chapter 487, Health and Safety Code, to be a  
4 director, manager, or employee of a dispensing organization, as  
5 defined by Section 487.001 [~~a chemical precursor transfer permit~~  
6 ~~issued by the director under Section 481.078~~], Health and Safety  
7 Code;

8 (3) is an applicant for or holds an authorization  
9 issued by the department under Section 521.2476, Transportation  
10 Code, to do business in this state as a vendor of ignition interlock  
11 devices [~~a chemical laboratory apparatus transfer permit issued by~~  
12 ~~the director under Section 481.081, Health and Safety Code~~];

13 (4) is an applicant for or holds certification by the  
14 department as an inspection station or an inspector under  
15 Subchapter G, Chapter 548, Transportation Code, holds an inspection  
16 station or inspector certificate issued under that subchapter, or  
17 is the owner of an inspection station operating under that chapter;  
18 or

19 (5) is an applicant for or holds a certificate of  
20 registration issued by the department under Chapter 1956,  
21 Occupations Code, to act as a metal recycling entity [~~approval or~~  
22 ~~has been approved as a program sponsor by the department under~~  
23 ~~Chapter 662, Transportation Code, is an applicant for certification~~  
24 ~~by the department as an instructor under that chapter, or holds an~~  
25 ~~instructor certificate issued under that chapter~~].

26 (d) The department may require any person for whom the  
27 department is authorized to obtain and use criminal history record

1 information maintained by the Federal Bureau of Investigation or  
2 the department under Subsection (a) to submit a complete and  
3 legible set of fingerprints to the department on a form prescribed  
4 by the department for the purpose of obtaining criminal history  
5 record information.

6 SECTION 3.002. Chapter 411, Government Code, is amended by  
7 adding Subchapters Q and R to read as follows:

8 SUBCHAPTER Q. POWERS AND DUTIES RELATED TO CERTAIN REGULATORY  
9 PROGRAMS

10 Sec. 411.501. DEFINITION. In this subchapter, "license"  
11 means a license, certificate, registration, permit, or other form  
12 of authorization required by law or a state agency rule that must be  
13 obtained by a person to engage in a particular activity, business,  
14 occupation, or profession.

15 Sec. 411.502. APPLICABILITY. This subchapter applies to a  
16 program, and persons regulated under the program, administered by  
17 the department under the following laws, including rules adopted  
18 under those laws:

- 19 (1) Section 411.0625;
- 20 (2) Chapter 487, Health and Safety Code;
- 21 (3) Chapter 1702, Occupations Code;
- 22 (4) Chapter 1956, Occupations Code;
- 23 (5) Section 521.2476, Transportation Code; and
- 24 (6) Subchapter G, Chapter 548, Transportation Code.

25 Sec. 411.503. FINAL ENFORCEMENT AUTHORITY. (a) Except as  
26 provided by Section 411.506(b), the commission shall make the final  
27 determination in an administrative action against a person for a

1 violation of a law or rule governing a program or person subject to  
2 this subchapter.

3 (b) The commission may not delegate the duty under  
4 Subsection (a).

5 Sec. 411.504. COMPLAINTS. (a) The department shall  
6 maintain a system to promptly and efficiently act on complaints  
7 filed with the department regarding a violation of a law or rule  
8 governing a program or person subject to this subchapter. The  
9 department shall maintain information about parties to the  
10 complaint, the subject matter of the complaint, a summary of the  
11 results of the review or investigation of the complaint, and its  
12 disposition.

13 (b) The department shall make information available  
14 describing its procedures for complaint investigation and  
15 resolution.

16 (c) The department shall periodically notify the complaint  
17 parties of the status of the complaint until final disposition.

18 (d) On written request, the department shall inform the  
19 person filing the complaint and each person who is a subject of the  
20 complaint of the status of the investigation unless the information  
21 would jeopardize an ongoing investigation.

22 (e) The commission shall adopt rules to:

23 (1) implement this section; and

24 (2) establish a procedure for the investigation and  
25 resolution of complaints, including a procedure for documenting  
26 complaints to the department from the time of the submission of the  
27 initial complaint to the final disposition of the complaint.

1       Sec. 411.505. INVESTIGATIONS. The department may conduct  
2 investigations as necessary to enforce a law or rule governing a  
3 program or person subject to this subchapter.

4       Sec. 411.506. INFORMAL COMPLAINT RESOLUTION AND INFORMAL  
5 PROCEEDINGS. (a) The commission by rule shall establish  
6 procedures for the informal resolution of complaints filed with the  
7 department related to a violation of a law or rule governing a  
8 program or person subject to this subchapter, including procedures  
9 governing:

10           (1) informal disposition of a contested case under  
11 Section 2001.056; and

12           (2) an informal proceeding held in compliance with  
13 Section 2001.054.

14       (b) Any settlement agreement arising from the procedures  
15 described by Subsection (a) must be approved by the director or the  
16 director's designee.

17       Sec. 411.507. LICENSE DENIAL; ADMINISTRATIVE SANCTION.  
18 (a) This section applies to a person required to obtain a license  
19 under a program subject to this subchapter.

20       (b) The commission may deny an application for, revoke,  
21 suspend, or refuse to renew a license or may reprimand a license  
22 holder for a violation of a law or rule governing a program subject  
23 to this subchapter.

24       (c) The commission may place on probation a person whose  
25 license is suspended. If a license suspension is probated, the  
26 commission may require the person to:

27           (1) report regularly to the department on matters that



1 are the basis of the probation;

2 (2) limit practice to the areas prescribed by the  
3 department; or

4 (3) continue or renew education until the person  
5 attains a degree of competency satisfactory to the commission in  
6 those areas that are the basis for the probation.

7 (d) The commission shall develop a penalty schedule for each  
8 program subject to this subchapter consisting of administrative  
9 sanctions authorized under Subsections (b) and (c) based on the  
10 severity and frequency of a violation of a law or rule related to  
11 the program.

12 Sec. 411.508. RIGHT TO NOTICE AND HEARING; ADMINISTRATIVE  
13 PROCEDURE. (a) For each program subject to this subchapter, a  
14 person is entitled to notice and a hearing if the commission  
15 proposes to:

16 (1) deny an application for, revoke, suspend, or  
17 refuse to renew a license;

18 (2) reprimand a license holder; or

19 (3) place a license holder on probation.

20 (b) A proceeding to impose an administrative sanction as  
21 described by Subsection (a) is a contested case under Chapter 2001.

22 (c) Unless otherwise provided by law, judicial review of an  
23 administrative sanction or penalty imposed by the commission is  
24 under the substantial evidence rule as provided by Subchapter G,  
25 Chapter 2001.

26 Sec. 411.509. CEASE AND DESIST ORDER. The department may  
27 issue a cease and desist order if the department determines that the

1 action is necessary to prevent a violation of a law or rule  
2 governing a program or person subject to this subchapter.

3 Sec. 411.510. INJUNCTIVE RELIEF. (a) On request of the  
4 department, the attorney general shall institute an action for  
5 injunctive relief to restrain a person in violation of or  
6 threatening to violate a law or rule governing a program or person  
7 subject to this subchapter.

8 (b) An action filed under this section shall be filed in a  
9 district court in:

10 (1) Travis County; or

11 (2) the county in which the violation allegedly  
12 occurred or is threatened to occur.

13 (c) The attorney general may recover reasonable expenses  
14 incurred in obtaining injunctive relief under this section,  
15 including court costs, attorney's fees, investigative costs,  
16 witness fees, and deposition expenses.

17 Sec. 411.511. STAGGERED RENEWAL; PRORATION OF LICENSE FEE.

18 (a) The commission by rule may adopt a system under which licenses  
19 expire on various dates during the year.

20 (b) A license issued under a program governed by this  
21 subchapter may not expire later than the second anniversary of the  
22 date the license is issued.

23 (c) For the year in which the expiration date of a license is  
24 changed, the department shall prorate license fees on a monthly  
25 basis so that each license holder pays only that portion of the  
26 license fee that is allocable to the number of months during which  
27 the license is valid. On renewal of the license on the new

1 expiration date, the total license renewal fee is payable.

2 Sec. 411.512. ANNUAL REGULATORY REPORT. (a) The  
3 department shall annually make available on the department's  
4 Internet website a report of regulatory statistics for the  
5 preceding state fiscal year for each program subject to this  
6 subchapter and aggregate information on all the programs.

7 (b) The report must include, as applicable, information  
8 regarding:

9 (1) the number of licenses issued under the program;

10 (2) the number and types of complaints received and  
11 resolved by the department;

12 (3) the number of investigations conducted by the  
13 department; and

14 (4) the number and types of disciplinary actions taken  
15 by the department.

16 SUBCHAPTER R. ADMINISTRATIVE PENALTY

17 Sec. 411.521. DEFINITION. In this subchapter, "license"  
18 has the meaning assigned by Section 411.501.

19 Sec. 411.522. APPLICABILITY. This subchapter applies to a  
20 program, and persons regulated under the program, to which Section  
21 411.502 applies.

22 Sec. 411.523. IMPOSITION OF PENALTY. The commission may  
23 impose an administrative penalty against a person who violates:

24 (1) a law establishing a program subject to this  
25 subchapter; or

26 (2) a rule adopted or order issued by the commission  
27 under a law described by Subdivision (1).

1       Sec. 411.524. AMOUNT OF PENALTY. (a) If the relevant law  
2 establishing a program subject to this subchapter does not state  
3 the maximum amount of an administrative penalty under that law, the  
4 amount of the penalty shall be assessed by the commission in an  
5 amount not to exceed \$5,000 per day for each violation. Each day a  
6 violation continues or occurs is a separate violation for purposes  
7 of imposing a penalty.

8       (b) The amount of the penalty shall be based on:

- 9           (1) the seriousness of the violation;  
10          (2) the respondent's history of previous violations;  
11          (3) the amount necessary to deter a future violation;  
12          (4) efforts made by the respondent to correct the  
13 violation; and  
14          (5) any other matter that justice may require.

15       (c) The commission shall establish a written enforcement  
16 plan that provides notice to license holders of the specific ranges  
17 of penalties that apply to specific alleged violations and the  
18 criteria by which the department determines the amount of a  
19 proposed administrative penalty.

20       Sec. 411.525. IMPOSITION OF SANCTION. A proceeding under  
21 this subchapter imposing an administrative penalty may be combined  
22 with a proceeding to impose an administrative sanction. If a  
23 sanction is imposed in a proceeding under this subchapter, the  
24 requirements of this subchapter apply to the imposition of the  
25 sanction.

26       Sec. 411.526. NOTICE OF VIOLATION AND PENALTY. If, after  
27 investigation of a possible violation and the facts surrounding the

1 possible violation, the department determines that a violation  
2 occurred, the department shall issue to the respondent a notice of  
3 alleged violation stating:

4 (1) a brief summary of the alleged violation;

5 (2) the amount of the recommended administrative  
6 penalty; and

7 (3) that the respondent has the right to a hearing to  
8 contest the alleged violation, the amount of the penalty, or both.

9 Sec. 411.527. PENALTY TO BE PAID OR HEARING REQUESTED.

10 (a) Not later than the 20th day after the date the respondent  
11 receives the notice, the respondent may:

12 (1) accept the department's determination and  
13 recommended administrative penalty; or

14 (2) make a written request for a hearing on that  
15 determination.

16 (b) If the respondent accepts the department's  
17 determination, the commission by order may approve the  
18 determination and require the person to pay the recommended  
19 penalty.

20 Sec. 411.528. HEARING ON RECOMMENDATIONS. (a) If the  
21 respondent requests a hearing, the hearing shall be conducted by  
22 the department or the State Office of Administrative Hearings.

23 (b) The State Office of Administrative Hearings shall  
24 consider the department's applicable substantive rules and  
25 policies when conducting a hearing under this subchapter.

26 (c) A department hearing officer or an administrative law  
27 judge at the State Office of Administrative Hearings, as

1 applicable, shall:

- 2 (1) make findings of fact and conclusions of law; and
- 3 (2) promptly issue to the commission a proposal for
- 4 decision as to the occurrence of the violation and the amount of any
- 5 proposed administrative penalty.

6 Sec. 411.529. DECISION BY COMMISSION. (a) Based on the

7 findings of fact, conclusions of law, and proposal for decision,

8 the commission by order may determine that:

- 9 (1) a violation occurred and impose an administrative
- 10 penalty; or
- 11 (2) a violation did not occur.

12 (b) The department shall give notice of the order to the

13 respondent.

14 (c) The order under this section must include:

- 15 (1) separate statements of the findings of fact and
- 16 conclusions of law;
- 17 (2) the amount of any penalty imposed;
- 18 (3) a statement of the right of the respondent to
- 19 judicial review of the order; and
- 20 (4) any other information required by law.

21 Sec. 411.530. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

22 (a) Not later than the 30th day after the date the commission's

23 order becomes final, the respondent shall:

- 24 (1) pay the penalty; or
- 25 (2) file a petition for judicial review contesting the
- 26 order and:

27 (A) forward the penalty to the department for

1 deposit in an escrow account; or

2 (B) give the department a supersedeas bond in a  
3 form approved by the department that:

4 (i) is for the amount of the penalty; and

5 (ii) is effective until judicial review of  
6 the decision is final.

7 (b) A respondent who is financially unable to comply with  
8 Subsection (a)(2) is entitled to judicial review if the respondent  
9 files with the court, as part of the respondent's petition for  
10 judicial review, a sworn statement that the respondent is unable to  
11 meet the requirements of Subsection (a)(2).

12 Sec. 411.531. COLLECTION OF PENALTY. If the person on whom  
13 the administrative penalty is imposed violates Section 411.530(a),  
14 the department or the attorney general may bring an action to  
15 collect the penalty.

16 Sec. 411.532. REMITTANCE OF PENALTY AND INTEREST. (a) If,  
17 after judicial review, the administrative penalty is reduced or not  
18 imposed, the department shall:

19 (1) remit to the person the appropriate amount, plus  
20 accrued interest, if the person paid the amount of the penalty; or

21 (2) execute a release of the bond, if the person posted  
22 a supersedeas bond.

23 (b) The interest paid under Subsection (a)(1) is accrued at  
24 the rate charged on loans to depository institutions by the New York  
25 Federal Reserve Bank. The interest shall be paid for the period  
26 beginning on the date the penalty is paid to the department and  
27 ending on the date the penalty is remitted.

1        Sec. 411.533. ADMINISTRATIVE PROCEDURE.        (a) The  
2 commission by rule shall prescribe procedures for the determination  
3 and appeal of a decision to impose an administrative penalty.

4        (b) A proceeding under this subchapter to impose an  
5 administrative penalty is a contested case under Chapter 2001.

6        SECTION 3.003. Section 1956.151, Occupations Code, is  
7 amended to read as follows:

8        Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.  
9 The commission [~~department~~] shall deny an application for a  
10 certificate of registration, suspend or revoke a certificate of  
11 registration, or reprimand a person who is registered under this  
12 chapter if the person:

13            (1) obtains a certificate of registration by means of  
14 fraud, misrepresentation, or concealment of a material fact;

15            (2) sells, barter, or offers to sell or barter a  
16 certificate of registration;

17            (3) violates a provision of this chapter or a rule  
18 adopted under this chapter; or

19            (4) violates Section 1956.021.

20        SECTION 3.004. Sections 548.405(a), (c), and (g),  
21 Transportation Code, are amended to read as follows:

22        (a) The commission [~~department~~] may deny a person's  
23 application for a certificate, revoke or suspend the certificate of  
24 a person, inspection station, or inspector, place on probation a  
25 person who holds a suspended certificate, or reprimand a person who  
26 holds a certificate if:

27            (1) the station or inspector conducts an inspection,



1 fails to conduct an inspection, or issues a certificate:

2 (A) in violation of this chapter or a rule  
3 adopted under this chapter; or

4 (B) without complying with the requirements of  
5 this chapter or a rule adopted under this chapter;

6 (2) the person, station, or inspector commits an  
7 offense under this chapter or violates this chapter or a rule  
8 adopted under this chapter;

9 (3) the applicant or certificate holder does not meet  
10 the standards for certification under this chapter or a rule  
11 adopted under this chapter;

12 (4) the station or inspector does not maintain the  
13 qualifications for certification or does not comply with a  
14 certification requirement under this subchapter [~~Subchapter C~~];

15 (5) the certificate holder or the certificate holder's  
16 agent, employee, or representative commits an act or omission that  
17 would cause denial, revocation, or suspension of a certificate to  
18 an individual applicant or certificate holder; or

19 (6) the station or inspector does not pay a fee  
20 required by Subchapter H [~~or~~

21 [~~(7) the inspector or owner of an inspection station~~  
22 ~~is convicted of a:~~

23 [~~(A) felony or Class A or Class B misdemeanor,~~

24 [~~(B) similar crime under the jurisdiction of~~  
25 ~~another state or the federal government that is punishable to the~~  
26 ~~same extent as a felony or a Class A or Class B misdemeanor in this~~  
27 ~~state, or~~

1                    [~~(C) crime under the jurisdiction of another~~  
2 ~~state or the federal government that would be a felony or a Class A~~  
3 ~~or Class B misdemeanor if the crime were committed in this state~~].

4            (c) If the commission [~~department~~] suspends a certificate  
5 because of a violation of Subchapter F, the suspension must be for a  
6 period of not less than six months. [~~The suspension may not be~~  
7 ~~probated or deferred.~~]

8            (g) The commission [~~department~~] may not suspend, revoke, or  
9 deny all certificates of a person who holds more than one inspection  
10 station certificate based on a suspension, revocation, or denial of  
11 one of that person's inspection station certificates without proof  
12 of culpability related to a prior action under this subsection.

13            SECTION 3.005. Subchapter G, Chapter 548, Transportation  
14 Code, is amended by adding Section 548.4055 to read as follows:

15            Sec. 548.4055. RULES REGARDING CRIMINAL CONVICTIONS. The  
16 commission shall adopt rules necessary to comply with Chapter 53,  
17 Occupations Code, with respect to the certification of persons  
18 under this subchapter. The commission's rules must list the  
19 specific offenses for each category of persons regulated under this  
20 subchapter for which a conviction would constitute grounds for the  
21 commission to take action under Section 53.021, Occupations Code.

22            SECTION 3.006. Sections 548.407(d) and (e), Transportation  
23 Code, are amended to read as follows:

24            (d) The commission [~~department~~] may provide that a  
25 revocation or suspension takes effect on receipt of notice under  
26 Subsection (b) if the commission [~~department~~] finds that the action  
27 is necessary to prevent or remedy a threat to public health, safety,

1 or welfare. Violations that present a threat to public health,  
2 safety, or welfare include:

3 (1) issuing a passing vehicle inspection report or  
4 submitting inspection information to the department's database  
5 with knowledge that the issuance or submission is in violation of  
6 this chapter or rules adopted under this chapter;

7 (2) falsely or fraudulently representing to the owner  
8 or operator of a vehicle that equipment inspected or required to be  
9 inspected must be repaired, adjusted, or replaced for the vehicle  
10 to pass an inspection;

11 (3) issuing a vehicle inspection report or submitting  
12 inspection information to the department's database:

13 (A) without authorization to issue the report or  
14 submit the information; or

15 (B) without inspecting the vehicle;

16 (4) issuing a passing vehicle inspection report or  
17 submitting inspection information to the department's database for  
18 a vehicle with knowledge that the vehicle has not been repaired,  
19 adjusted, or corrected after an inspection has shown a repair,  
20 adjustment, or correction to be necessary;

21 (5) knowingly issuing a passing vehicle inspection  
22 report or submitting inspection information to the department's  
23 database:

24 (A) for a vehicle without conducting an  
25 inspection of each item required to be inspected; or

26 (B) for a vehicle that is missing an item  
27 required to be inspected or that has an item required to be

1 inspected that is not in compliance with state law or department  
2 rules;

3 (6) refusing to allow a vehicle's owner to have a  
4 qualified person of the owner's choice make a required repair,  
5 adjustment, or correction;

6 (7) charging for an inspection an amount greater than  
7 the authorized fee;

8 (8) a violation of Subchapter F;

9 (9) a violation of Section 548.603; or

10 (10) a conviction of a felony or a Class A or B  
11 misdemeanor that directly relates to or affects the duties or  
12 responsibilities of a vehicle inspection station or inspector or a  
13 conviction of a similar crime under the jurisdiction of another  
14 state or the federal government.

15 (e) The commission may adopt rules to implement this  
16 section. [~~For purposes of Subsection (d)(10), a person is~~  
17 ~~convicted of an offense if a court enters against the person an~~  
18 ~~adjudication of the person's guilt, including an order of probation~~  
19 ~~or deferred adjudication.~~]

20 SECTION 3.007. Subchapter G, Chapter 548, Transportation  
21 Code, is amended by adding Section 548.410 to read as follows:

22 Sec. 548.410. EXPIRATION OF CERTIFICATE. A certificate  
23 issued to an inspector or an inspection station under this  
24 subchapter expires as determined by the department under Section  
25 411.511, Government Code, but not later than the second anniversary  
26 of the date the certificate is issued.

27 SECTION 3.008. Section 548.506, Transportation Code, is

1 amended to read as follows:

2           Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR AND  
3 INSPECTION STATION.   The commission by rule shall establish  
4 reasonable and necessary fees for certification as an inspector or  
5 inspection station.   ~~[An applicant for certification as an~~  
6 ~~inspector must submit with the applicant's first application a fee~~  
7 ~~of \$25 for certification until August 31 of the even-numbered year~~  
8 ~~following the date of certification. To be certified after August~~  
9 ~~31 of that year, the applicant must pay \$25 as a certificate fee for~~  
10 ~~each subsequent two-year period.]~~

11           SECTION 3.009. The following provisions are repealed:

- 12                   (1) Sections 1956.014(b) and (c), Occupations Code;
- 13                   (2) Sections 1956.041(b-2), (c), (d), (e), and (f),  
14 Occupations Code;
- 15                   (3) Section 1956.152, Occupations Code;
- 16                   (4) Sections 548.405(b), (h), and (i), Transportation  
17 Code;
- 18                   (5) Section 548.406, Transportation Code;
- 19                   (6) Sections 548.407(f), (g), (h), (i), (j), (k), and  
20 (l), Transportation Code;
- 21                   (7) Section 548.409, Transportation Code; and
- 22                   (8) Section 548.507, Transportation Code.

23           SECTION 3.010. As soon as practicable after the effective  
24 date of this Act, the Public Safety Commission shall adopt rules  
25 necessary to implement the changes in law made by this Act to  
26 Chapter 411, Government Code, Chapter 1956, Occupations Code, and  
27 Chapter 548, Transportation Code.

1           SECTION 3.011. Section 411.0891, Government Code, and  
2 Sections 548.405 and 548.407, Transportation Code, as amended by  
3 this Act, apply only to an application for the issuance or renewal  
4 of a license submitted on or after the effective date of this Act.  
5 An application for the issuance or renewal of a license submitted  
6 before that date is governed by the law in effect on the date the  
7 application was submitted, and the former law is continued in  
8 effect for that purpose.

9           SECTION 3.012. Section 548.405(c), Transportation Code, as  
10 amended by this Act, applies only to a person placed on probation on  
11 or after the effective date of this Act. A person placed on  
12 probation before the effective date of this Act is governed by the  
13 law in effect on the date the person was placed on probation, and  
14 the former law is continued in effect for that purpose.

15           SECTION 3.013. Section 1956.041, Occupations Code, and  
16 Sections 548.405 and 548.407, Transportation Code, as amended by  
17 this Act, apply only to a proceeding initiated on or after the  
18 effective date of this Act. A proceeding initiated before the  
19 effective date of this Act is governed by the law in effect on the  
20 date the proceeding was initiated, and the former law is continued  
21 in effect for that purpose.

22           ARTICLE 4. CERTAIN PROGRAMS REGULATING CONTROLLED SUBSTANCES,  
23                            PRECURSOR CHEMICALS, AND LABORATORY APPARATUSES

24           SECTION 4.001. Sections 481.077(c), (i), and (k), Health  
25 and Safety Code, are amended to read as follows:

26           (c) This section does [~~and Section 481.078 do~~] not apply to  
27 a person to whom a registration has been issued by the Federal Drug

1 Enforcement Agency or who is exempt from such registration.

2 (i) A manufacturer, wholesaler, retailer, or other person  
3 who [~~receives from a source outside this state a chemical precursor~~  
4 ~~subject to Subsection (a) or who~~] discovers a loss or theft of a  
5 chemical precursor subject to Subsection (a) shall:

6 (1) submit a report of the transaction to the director  
7 in accordance with department rule; and

8 (2) include in the report:

9 (A) any difference between the amount of the  
10 chemical precursor actually received and the amount of the chemical  
11 precursor shipped according to the shipping statement or invoice;  
12 or

13 (B) the amount of the loss or theft.

14 (k) A [~~Unless the person is the holder of only a permit~~  
15 ~~issued under Section 481.078(b)(1), a~~] manufacturer, wholesaler,  
16 retailer, or other person who sells, transfers, or otherwise  
17 furnishes any chemical precursor subject to Subsection (a), a or a  
18 [~~permit holder,~~] commercial purchaser[~~7~~] or other person who  
19 receives a chemical precursor subject to Subsection (a):

20 (1) shall maintain records and inventories in  
21 accordance with rules established by the director;

22 (2) shall allow a member of the department or a peace  
23 officer to conduct audits and inspect records of purchases and  
24 sales and all other records made in accordance with this section at  
25 any reasonable time; and

26 (3) may not interfere with the audit or with the full  
27 and complete inspection or copying of those records.

1 SECTION 4.002. The heading to Section 481.080, Health and  
2 Safety Code, is amended to read as follows:

3 Sec. 481.080. CHEMICAL LABORATORY APPARATUS RECORD-KEEPING  
4 REQUIREMENTS [~~AND PENALTIES~~].

5 SECTION 4.003. Sections 481.080(d), (j), and (l), Health  
6 and Safety Code, are amended to read as follows:

7 (d) This section does [~~and Section 481.081 do~~] not apply to  
8 a person to whom a registration has been issued by the Federal Drug  
9 Enforcement Agency or who is exempt from such registration.

10 (j) A manufacturer, wholesaler, retailer, or other person  
11 who [~~receives from a source outside this state a chemical~~  
12 ~~laboratory apparatus subject to Subsection (a) or who~~] discovers a  
13 loss or theft of such an apparatus shall:

14 (1) submit a report of the transaction to the director  
15 in accordance with department rule; and

16 (2) include in the report:

17 (A) any difference between the number of the  
18 apparatus actually received and the number of the apparatus shipped  
19 according to the shipping statement or invoice; or

20 (B) the number of the loss or theft.

21 (l) This subsection applies to a manufacturer, wholesaler,  
22 retailer, or other person who sells, transfers, or otherwise  
23 furnishes any chemical laboratory apparatus subject to Subsection  
24 (a) and to a [~~permit holder,~~] commercial purchaser[~~7~~] or other  
25 person who receives such an apparatus [~~unless the person is the~~  
26 ~~holder of only a permit issued under Section 481.081(b)(1)~~]. A  
27 person covered by this subsection:



1           (1) shall maintain records and inventories in  
2 accordance with rules established by the director;

3           (2) shall allow a member of the department or a peace  
4 officer to conduct audits and inspect records of purchases and  
5 sales and all other records made in accordance with this section at  
6 any reasonable time; and

7           (3) may not interfere with the audit or with the full  
8 and complete inspection or copying of those records.

9           SECTION 4.004. Section 481.111(a), Health and Safety Code,  
10 is amended to read as follows:

11           (a) The provisions of this chapter relating to the  
12 possession and distribution of peyote do not apply to the use of  
13 peyote by a member of the Native American Church in bona fide  
14 religious ceremonies of the church or to ~~[. However,]~~ a person who  
15 supplies the substance to the church ~~[must register and maintain~~  
16 ~~appropriate records of receipts and disbursements in accordance~~  
17 ~~with rules adopted by the director]~~. An exemption granted to a  
18 member of the Native American Church under this section does not  
19 apply to a member with less than 25 percent Indian blood.

20           SECTION 4.005. Section 481.136(a), Health and Safety Code,  
21 is amended to read as follows:

22           (a) A person commits an offense if the person sells,  
23 transfers, furnishes, or receives a chemical precursor subject to  
24 Section 481.077(a) and the person:

25           (1) ~~[does not hold a chemical precursor transfer~~  
26 ~~permit as required by Section 481.078 at the time of the~~  
27 ~~transaction,~~

1           ~~[(2)]~~ does not comply with Section 481.077 or  
2 481.0771;

3           (2) ~~[(3)]~~ knowingly makes a false statement in a  
4 report or record required by Section 481.077 or ~~[(7)]~~ 481.0771~~[(7) or~~  
5 ~~481.078]~~; or

6           (3) ~~[(4)]~~ knowingly violates a rule adopted under  
7 Section 481.077 or ~~[(7)]~~ 481.0771~~[(7) or 481.078]~~.

8           SECTION 4.006. Section 481.138(a), Health and Safety Code,  
9 is amended to read as follows:

10           (a) A person commits an offense if the person sells,  
11 transfers, furnishes, or receives a chemical laboratory apparatus  
12 subject to Section 481.080(a) and the person:

13           (1) ~~[(1)]~~ ~~does not have a chemical laboratory apparatus~~  
14 ~~transfer permit as required by Section 481.081 at the time of the~~  
15 ~~transaction;~~

16           ~~[(2)]~~ does not comply with Section 481.080;

17           (2) ~~[(3)]~~ knowingly makes a false statement in a  
18 report or record required by Section 481.080 ~~[(or 481.081)]~~; or

19           (3) ~~[(4)]~~ knowingly violates a rule adopted under  
20 Section 481.080 ~~[(or 481.081)]~~.

21           SECTION 4.007. Section 481.301, Health and Safety Code, is  
22 amended to read as follows:

23           Sec. 481.301. IMPOSITION OF PENALTY. The department may  
24 impose an administrative penalty on a person who violates Section  
25 481.067, 481.077, 481.0771, or ~~[(481.078,)]~~ 481.080~~[(7) or 481.081]~~ or  
26 a rule or order adopted under any of those sections.

27           SECTION 4.008. Section 487.053(b), Health and Safety Code,

1 is amended to read as follows:

2 (b) Subject to Section 411.503, Government Code, the ~~[The]~~  
3 department shall enforce compliance of licensees and registrants  
4 and shall adopt procedures for suspending or revoking a license or  
5 registration issued under this chapter and for renewing a license  
6 or registration issued under this chapter.

7 SECTION 4.009. Sections 487.104(b) and (c), Health and  
8 Safety Code, are amended to read as follows:

9 (b) If the department denies the issuance or renewal of a  
10 license under Subsection (a), the applicant is entitled to a  
11 hearing. Chapter 2001, Government Code, applies to a proceeding  
12 under this section. ~~[The department shall give written notice of~~  
13 ~~the grounds for denial to the applicant at least 30 days before the~~  
14 ~~date of the hearing.]~~

15 (c) A license issued or renewed under this section expires  
16 as determined by the department in accordance with Section 411.511,  
17 Government Code ~~[on the second anniversary of the date of issuance~~  
18 ~~or renewal, as applicable].~~

19 SECTION 4.010. Section 487.105(c), Health and Safety Code,  
20 is amended to read as follows:

21 (c) The department shall conduct a criminal history  
22 background check on each individual whose name is provided to the  
23 department under Subsection (a) or (b). The director by rule shall:

24 (1) require each individual whose name is provided to  
25 the department under Subsection (a) or (b) ~~[determine the manner by~~  
26 ~~which an individual is required]~~ to submit a complete set of  
27 fingerprints to the department on a form prescribed by the

1 department for purposes of a criminal history background check  
2 under this section; and

3 (2) establish criteria for determining whether an  
4 individual passes the criminal history background check for the  
5 purposes of this section.

6 SECTION 4.011. The following provisions of the Health and  
7 Safety Code are repealed:

8 (1) Sections 481.077(e), (f), (g), and (h);

9 (2) Section 481.078;

10 (3) Sections 481.080(f), (g), (h), and (i); and

11 (4) Section 481.081.

12 SECTION 4.012. As soon as practicable after the effective  
13 date of this Act, the public safety director of the Department of  
14 Public Safety shall adopt rules to implement the changes made by  
15 Section 487.105(c), Health and Safety Code, as amended by this Act.

16 SECTION 4.013. The changes in law made by this Act to  
17 Chapter 481, Health and Safety Code, apply only to an offense or  
18 violation committed on or after the effective date of this Act. An  
19 offense or violation committed before the effective date of this  
20 Act is governed by the law in effect on the date the offense or  
21 violation was committed, and the former law is continued in effect  
22 for that purpose. For purposes of this section, an offense or  
23 violation was committed before the effective date of this Act if any  
24 element of the offense or violation occurred before that date.

25 SECTION 4.014. On the effective date of this Act, a permit  
26 issued under former Section 481.078 or 481.081, Health and Safety  
27 Code, expires.

ARTICLE 5. PRIVATE SECURITY

SECTION 5.001. Section 1702.002, Occupations Code, is amended by amending Subdivisions (2), (5), (5-a), (17), and (21) and adding Subdivisions (4), (5-b), (5-c), and (8-a) to read as follows:

(2) "Branch office" means an office that is:

(A) identified to the public as a place from which business is conducted, solicited, or advertised; and

(B) at a place other than the principal place of business as shown in department [~~board~~] records.

(4) "Commission" means the Public Safety Commission.

(5) "Commissioned security officer" means a security officer to whom a security officer commission has been issued by the department [~~board~~].

(5-a) "Committee" means the Texas Private Security Advisory Committee established under this chapter.

(5-b) "Company license" means a license issued by the department that entitles a person to operate as a security services contractor or investigations company.

(5-c) "Department" means the Department of Public Safety of the State of Texas.

(8-a) "Individual license" means a license issued by the department that entitles an individual to perform a service regulated by this chapter for a company license holder, including a personal protection officer license.

(17) "Personal protection officer license [~~endorsement~~]" means a license [~~permit~~] issued by the department

1 ~~[board]~~ that entitles an individual to act as a personal protection  
2 officer.

3 (21) "Security officer commission" means an  
4 authorization issued by the department ~~[board]~~ that entitles a  
5 security officer to carry a firearm.

6 SECTION 5.002. Section 1702.004, Occupations Code, is  
7 amended to read as follows:

8 Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The  
9 department ~~[board, in addition to performing duties required by~~  
10 ~~other law or exercising powers granted by other law]~~:

11 (1) licenses investigations companies and security  
12 services contractors;

13 (2) issues commissions to certain security officers;

14 (3) licenses ~~[issues endorsements to]~~ certain  
15 security officers engaged in the personal protection of  
16 individuals;

17 (4) licenses ~~[registers and endorses]~~:

18 (A) certain individuals connected with a company  
19 license holder; and

20 (B) certain individuals employed in a field  
21 connected to private investigation or private security; and

22 (5) regulates company license holders, security  
23 officers, ~~[registrants,~~ and individual license ~~[endorsement]~~  
24 holders under this chapter.

25 (b) The commission ~~[board]~~ shall adopt rules necessary to  
26 comply with Chapter 53. In its rules under this section, the  
27 commission ~~[board]~~ shall list the specific offenses for each

1 category of regulated persons for which a conviction would  
2 constitute grounds for the department [~~board~~] to take action under  
3 Section 53.021.

4 SECTION 5.003. Section 1702.005, Occupations Code, is  
5 amended to read as follows:

6 Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY; REFERENCES.

7 (a) [~~The board created under Section 1702.021 is a part of the~~  
8 ~~department.~~] The department shall administer this chapter [~~through~~  
9 ~~the board~~].

10 (b) A reference in this chapter or another law to the Texas  
11 Commission on Private Security or the Texas Private Security Board  
12 means the department [~~board~~].

13 SECTION 5.004. The heading to Subchapter B, Chapter 1702,  
14 Occupations Code, is amended to read as follows:

15 SUBCHAPTER B. TEXAS PRIVATE SECURITY ADVISORY COMMITTEE [~~BOARD~~]

16 SECTION 5.005. Section 1702.021, Occupations Code, is  
17 amended to read as follows:

18 Sec. 1702.021. COMMITTEE [~~BOARD~~] MEMBERSHIP; APPLICABILITY  
19 OF OTHER LAW. (a) The Texas Private Security Advisory Committee  
20 [~~Board~~] consists of seven members appointed by the commission  
21 [~~governor with the advice and consent of the senate~~] as follows:

22 (1) three public members, each of whom is a citizen of  
23 the United States;

24 (2) one member who is licensed under this chapter as a  
25 private investigator;

26 (3) one member who is licensed under this chapter as an  
27 alarm systems company;

1           (4) one member who is licensed under this chapter as  
2 the owner or operator of a guard company; and

3           (5) one member who is licensed under this chapter as a  
4 locksmith.

5           (b) Appointments to the committee [~~board~~] shall be made  
6 without regard to the race, color, disability, sex, religion, age,  
7 or national origin of the appointee.

8           (c) Chapter 2110, Government Code, does not apply to the  
9 size, composition, or duration of the advisory committee or to the  
10 appointment of the committee's presiding officer.

11           SECTION 5.006. Section 1702.023, Occupations Code, is  
12 amended to read as follows:

13           Sec. 1702.023. ELIGIBILITY OF PUBLIC MEMBERS. The  
14 committee's [~~board's~~] public members must be representatives of the  
15 general public. A person may not be a public member of the  
16 committee [~~board~~] if the person or the person's spouse:

17           (1) is registered, commissioned, certified, or  
18 licensed by a regulatory agency in the field of private  
19 investigations or private security;

20           (2) is employed by or participates in the management  
21 of a business entity or other organization regulated by or  
22 receiving money from the department [~~board~~];

23           (3) owns or controls, directly or indirectly, more  
24 than a 10 percent interest in a business entity or other  
25 organization regulated by or receiving money from the department  
26 [~~board~~]; or

27           (4) uses or receives a substantial amount of tangible



1 goods, services, or money from the department [~~board~~] other than  
2 compensation or reimbursement authorized by law for committee  
3 [~~board~~] membership, attendance, or expenses.

4 SECTION 5.007. Sections 1702.024(b) and (c), Occupations  
5 Code, are amended to read as follows:

6 (b) A person may not be a committee [~~board~~] member, and may  
7 not be a department employee whose primary duties include private  
8 security regulation and who is employed in a "bona fide executive,  
9 administrative, or professional capacity," as that phrase is used  
10 for purposes of establishing an exemption to the overtime  
11 provisions of the federal Fair Labor Standards Act of 1938 (29  
12 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

13 (1) the person is an officer, employee, or paid  
14 consultant of a Texas trade association in the field of private  
15 investigation or private security; or

16 (2) the person's spouse is an officer, manager, or paid  
17 consultant of a Texas trade association in the field of private  
18 investigation or private security.

19 (c) A person may not be a committee [~~board~~] member or act as  
20 general counsel to the committee or department [~~board or agency~~] if  
21 the person is required to register as a lobbyist under Chapter 305,  
22 Government Code, because of the person's activities for  
23 compensation on behalf of a profession related to the operation of  
24 the committee [~~agency~~].

25 SECTION 5.008. Section 1702.025, Occupations Code, is  
26 amended to read as follows:

27 Sec. 1702.025. TERMS; VACANCIES. (a) The committee

1 ~~[board]~~ members serve staggered six-year terms, with the terms of  
2 two or three members expiring on January 31 of each odd-numbered  
3 year.

4 (b) If a vacancy occurs during the term of a committee  
5 ~~[board]~~ member, the commission ~~[governor]~~ shall appoint a new  
6 member to fill the unexpired term.

7 SECTION 5.009. Section [1702.026](#), Occupations Code, is  
8 amended to read as follows:

9 Sec. 1702.026. OFFICERS. (a) The commission ~~[governor]~~  
10 shall designate one committee ~~[board]~~ member as presiding officer  
11 to serve in that capacity at the will of the commission ~~[governor]~~.  
12 The commission ~~[governor]~~ shall designate the presiding officer  
13 without regard to race, creed, color, disability, sex, religion,  
14 age, or national origin.

15 (b) The committee ~~[board]~~ shall elect from among its members  
16 an assistant presiding officer and a secretary to serve two-year  
17 terms beginning on September 1 of each odd-numbered year.

18 (c) The presiding officer of the committee ~~[board]~~ or, in  
19 the absence of the presiding officer, the assistant presiding  
20 officer shall preside at each committee ~~[board]~~ meeting and perform  
21 the other duties prescribed by this chapter.

22 SECTION 5.010. Sections [1702.027](#)(a) and (b), Occupations  
23 Code, are amended to read as follows:

24 (a) It is a ground for removal from the committee ~~[board]~~  
25 that a member:

26 (1) does not have the qualifications required by  
27 Section [1702.021](#) at the time of appointment ~~[taking office]~~;

1 (2) does not maintain the qualifications required by  
2 Section 1702.021 during service on the committee [~~board~~];

3 (3) is ineligible for membership under Section  
4 1702.023 or 1702.024;

5 (4) cannot, because of illness or disability,  
6 discharge the member's duties for a substantial part of the member's  
7 term; or

8 (5) is absent from more than half of the regularly  
9 scheduled committee [~~board~~] meetings that the member is eligible to  
10 attend during a calendar year without an excuse approved by a  
11 majority vote of the committee [~~board~~].

12 (b) The validity of an action of the committee [~~board~~] is  
13 not affected by the fact that it is taken when a ground for removal  
14 of a committee [~~board~~] member exists.

15 SECTION 5.011. Section 1702.029, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.029. MEETINGS. The committee [~~board~~] shall meet  
18 at least quarterly [~~at regular intervals to be decided by the~~  
19 ~~board~~].

20 SECTION 5.012. Subchapter B, Chapter 1702, Occupations  
21 Code, is amended by adding Sections 1702.031 and 1702.032 to read as  
22 follows:

23 Sec. 1702.031. DUTIES OF ADVISORY COMMITTEE. The committee  
24 shall provide advice and recommendations to the department and  
25 commission on technical matters relevant to the administration of  
26 this chapter and the regulation of private security industries.

27 Sec. 1702.032. COMMISSION LIAISON. The commission shall

1 designate a commission member to serve as a liaison to the  
2 committee.

3 SECTION 5.013. Section 1702.041, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.041. CHIEF ADMINISTRATOR. (a) The chief  
6 administrator is responsible for the administration of this chapter  
7 under the direction of the public safety director [~~board~~]. The  
8 chief administrator shall perform duties as prescribed by the  
9 public safety director [~~board and the department~~].

10 (b) The chief administrator is a full-time employee of the  
11 department. A committee [~~board~~] member may not serve as chief  
12 administrator.

13 SECTION 5.014. Section 1702.044, Occupations Code, is  
14 amended to read as follows:

15 Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT  
16 INFORMATION. The chief administrator or the chief administrator's  
17 designee shall provide to committee [~~board~~] members and to  
18 department [~~agency~~] employees, as often as necessary, information  
19 regarding the requirements for service as a committee member  
20 [~~office~~] or employment under this chapter, including information  
21 regarding a person's responsibilities under applicable laws  
22 relating to standards of conduct for state officers or employees.

23 SECTION 5.015. The heading to Subchapter D, Chapter 1702,  
24 Occupations Code, is amended to read as follows:

25 SUBCHAPTER D. POWERS AND DUTIES [~~OF BOARD~~]

26 SECTION 5.016. Section 1702.061, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1702.061. GENERAL POWERS AND DUTIES [~~OF BOARD~~].

2   (a) [~~The board shall perform the functions and duties provided by~~  
3 ~~this chapter.~~

4       [~~(b)~~] The commission [~~board~~] shall adopt rules and general  
5 policies to guide the department [~~agency~~] in the administration of  
6 this chapter.

7       (b) [~~(c)~~] The rules and policies adopted by the commission  
8 [~~board~~] under Subsection (a) [~~(b)~~] must be consistent with this  
9 chapter and other commission [~~board~~] rules adopted under this  
10 chapter and with any other applicable law, state rule, or federal  
11 regulation.

12       (c) [~~(d)~~] The commission [~~board~~] has the powers and duties  
13 to:

14           (1) determine the qualifications of company license  
15 holders, individual license holders [~~registrants, endorsement~~  
16 ~~holders~~], and commissioned security officers;

17           (2) investigate alleged violations of this chapter and  
18 of commission [~~board~~] rules;

19           (3) adopt rules necessary to implement this chapter;  
20 and

21           (4) establish and enforce standards governing the  
22 safety and conduct of each person regulated [~~licensed, registered,~~  
23 ~~or commissioned~~] under this chapter.

24       [~~(c) The board shall have a seal in the form prescribed by~~  
25 ~~the board.~~]

26           SECTION 5.017. Section 1702.062, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1702.062. FEES. (a) The commission [~~board~~] by rule  
2 shall establish reasonable and necessary fees that produce  
3 sufficient revenue to administer this chapter. The fees may not  
4 produce unnecessary fund balances.

5           (b) The department [~~board~~] may charge a fee each time the  
6 department [~~board~~] requires a person regulated under this chapter  
7 to resubmit a set of fingerprints for processing by the department  
8 [~~board~~] during the application process for a company license,  
9 individual license, [~~registration, endorsement,~~] or security  
10 officer commission. The commission [~~board~~] shall set the fee in an  
11 amount that is reasonable and necessary to cover the administrative  
12 expenses related to processing the fingerprints.

13           (c) A person whose pocket card has not expired is not  
14 eligible to receive from the department [~~board~~] another pocket card  
15 in the same classification in which the pocket card is held.

16           SECTION 5.018. The heading to Section [1702.063](#), Occupations  
17 Code, is amended to read as follows:

18           Sec. 1702.063. [~~BOARD~~] USE OF FINES.

19           SECTION 5.019. Section [1702.0635](#), Occupations Code, is  
20 amended to read as follows:

21           Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The  
22 commission [~~board~~] may not adopt rules or establish unduly  
23 restrictive experience or education requirements that limit a  
24 person's ability to be licensed as an electronic access control  
25 device company or be licensed [~~registered~~] as an electronic access  
26 control device installer.

27           SECTION 5.020. Section [1702.064](#), Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.064. RULES           RESTRICTING           ADVERTISING           OR  
3 COMPETITIVE BIDDING. (a) The commission [~~board~~] may not adopt  
4 rules restricting advertising or competitive bidding by a person  
5 regulated under this chapter [~~by the board~~] except to prohibit  
6 false, misleading, or deceptive practices by the person.

7           (b) The commission [~~board~~] may not include in its rules to  
8 prohibit false, misleading, or deceptive practices by a person  
9 regulated under this chapter [~~by the board~~] a rule that:

10                   (1) restricts the person's use of any medium for  
11 advertising;

12                   (2) restricts the person's personal appearance or use  
13 of the person's personal voice in an advertisement;

14                   (3) relates to the size or duration of an  
15 advertisement by the person; or

16                   (4) restricts the person's advertisement under a trade  
17 name.

18           SECTION 5.021. Section [1702.0645](#), Occupations Code, is  
19 amended to read as follows:

20           Sec. 1702.0645. PAYMENT OF FEES AND FINES. (a) The  
21 commission [~~board~~] may adopt rules regarding the method of payment  
22 of a fee or a fine assessed under this chapter.

23           (b) Rules adopted under this section may:

24                   (1) authorize the use of electronic funds transfer or  
25 a valid credit card issued by a financial institution chartered by a  
26 state or the federal government or by a nationally recognized  
27 credit organization approved by the department [~~board~~]; and

1 (2) require the payment of a discount or a reasonable  
2 service charge for a credit card payment in addition to the fee or  
3 the fine.

4 SECTION 5.022. Section 1702.067, Occupations Code, is  
5 amended to read as follows:

6 Sec. 1702.067. ~~BOARD~~ RECORDS; EVIDENCE. An official  
7 record of the department related to this chapter ~~board~~ or an  
8 affidavit by the chief administrator as to the content of the record  
9 is prima facie evidence of a matter required to be kept by the  
10 department ~~board~~.

11 SECTION 5.023. Section 1702.068, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.068. APPEAL BOND NOT REQUIRED. The department  
14 ~~board~~ is not required to give an appeal bond in any cause arising  
15 under this chapter.

16 SECTION 5.024. The heading to Subchapter E, Chapter 1702,  
17 Occupations Code, is amended to read as follows:

18 SUBCHAPTER E. PUBLIC INTEREST INFORMATION ~~AND COMPLAINT~~  
19 ~~PROCEDURES~~

20 SECTION 5.025. Section 1702.084, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF  
23 DISCIPLINARY ACTIONS. (a) The department ~~board~~ shall make  
24 available to the public through a toll-free telephone number,  
25 Internet website, or other easily accessible medium determined by  
26 the department ~~board~~ the following information relating to a  
27 disciplinary action taken during the preceding three years



1 regarding a person regulated under this chapter [~~by the board~~]:

2 (1) the identity of the person;

3 (2) the nature of the complaint that was the basis of  
4 the disciplinary action taken against the person; and

5 (3) the disciplinary action taken by the commission  
6 [~~board~~].

7 (b) In providing the information, the department [~~board~~]  
8 shall present the information in an impartial manner, use language  
9 that is commonly understood, and, if possible, avoid jargon  
10 specific to the security industry.

11 (c) The department [~~board~~] shall update the information on a  
12 monthly basis.

13 (d) The department [~~board~~] shall maintain the  
14 confidentiality of information regarding the identification of a  
15 complainant.

16 SECTION 5.026. Section 1702.085, Occupations Code, is  
17 amended to read as follows:

18 Sec. 1702.085. CONFIDENTIALITY OF RECORDS. Records  
19 maintained by the department under this chapter on the home  
20 address, home telephone number, driver's license number, or social  
21 security number of an applicant or a company license holder,  
22 individual license holder [~~registrant~~], or security officer  
23 commission holder are confidential and are not subject to mandatory  
24 disclosure under Chapter 552, Government Code.

25 SECTION 5.027. Section 1702.102(a), Occupations Code, is  
26 amended to read as follows:

27 (a) Unless the person holds a license as a security services

1 contractor, a person may not:

2 (1) act as an alarm systems company, armored car  
3 company, courier company, guard company, or [~~guard dog company,~~  
4 locksmith company[~~, or private security consultant company~~];

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

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

9 SECTION 5.028. Section 1702.1025(b), Occupations Code, is  
10 amended to read as follows:

11 (b) A person licensed as an electronic access control device  
12 company may not install alarm systems unless otherwise licensed [~~or~~  
13 ~~registered~~] to install alarm systems under this chapter.

14 SECTION 5.029. Section 1702.103, Occupations Code, is  
15 amended to read as follows:

16 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF COMPANY  
17 LICENSES. (a) The company license classifications are:

18 (1) Class A: investigations company license, covering  
19 operations of an investigations company;

20 (2) Class B: security services contractor license,  
21 covering operations of a security services contractor;

22 (3) Class C: covering the operations included within  
23 Class A and Class B;

24 (4) Class F: level III training school license; and

25 (5) Class O: alarm level I training school license[~~+~~

26 [~~(6) Class P: private business letter of authority~~  
27 ~~license,~~

1           ~~[(7) Class X: government letter of authority license,~~

2 ~~and~~

3           ~~[(8) Class T: telematics license].~~

4           (b) A company license described by this chapter does not  
5 authorize the company license holder to perform a service for which  
6 the company license holder has not qualified. A person may not  
7 engage in an operation outside the scope of that person's company  
8 license. The department [~~board~~] shall indicate on the company  
9 license the services the company license holder is authorized to  
10 perform. The company license holder may not perform a service  
11 unless it is indicated on the company license.

12           (c) A company license is not assignable unless the  
13 assignment is approved in advance by the department [~~board~~].

14           (d) The commission [~~board~~] shall prescribe by rule the  
15 procedure under which a company license may be terminated.

16           (e) The commission [~~board~~] by rule may establish other  
17 company license classifications for activities expressly regulated  
18 by this chapter and may establish qualifications and practice  
19 requirements consistent with this chapter for those company license  
20 classifications.

21           SECTION 5.030. Section 1702.110, Occupations Code, is  
22 amended to read as follows:

23           Sec. 1702.110. APPLICATION FOR COMPANY LICENSE. (a) An  
24 application for a company license under this chapter must be in the  
25 form prescribed by the department [~~board~~] and include:

26           (1) the full name and business address of the  
27 applicant;

- 1           (2) the name under which the applicant intends to do  
2 business;
- 3           (3) a statement as to the general nature of the  
4 business in which the applicant intends to engage;
- 5           (4) a statement as to the classification for which the  
6 applicant requests qualification;
- 7           (5) if the applicant is an entity other than an  
8 individual, the full name and residence address of each partner,  
9 officer who oversees the security-related aspects of the business,  
10 and director of the applicant~~[, and of the applicant's manager]~~;
- 11           (6) if the applicant is an individual, the  
12 fingerprints of the applicant or, if the applicant is an entity  
13 other than an individual, of each officer who oversees the  
14 security-related aspects of the business and of each partner or  
15 shareholder who owns at least a 25 percent interest in the  
16 applicant, provided in the manner prescribed by the department  
17 ~~[board]~~;
- 18           (7) a verified statement of the applicant's experience  
19 qualifications in the particular classification in which the  
20 applicant is applying;
- 21           (8) a report from the department stating the  
22 applicant's record of any convictions for a Class B misdemeanor or  
23 equivalent offense or a greater offense;
- 24           (9) the social security number of the individual  
25 making the application; and
- 26           (10) other information, evidence, statements, or  
27 documents required by the department ~~[board]~~.

1 (b) An applicant for a company license as a security  
2 services contractor shall maintain a physical address within this  
3 state and provide that address to the department [~~board~~]. The  
4 commission [~~board~~] shall adopt rules to enable an out-of-state  
5 company license holder to comply with this subsection.

6 (c) The department may return an application for a company  
7 license as incomplete if the applicant submits payment of a fee that  
8 is returned for insufficient funds and the applicant has received  
9 notice and an opportunity to provide payment in full.

10 SECTION 5.031. Section 1702.112, Occupations Code, is  
11 amended to read as follows:

12 Sec. 1702.112. FORM OF COMPANY LICENSE. The department  
13 [~~board~~] shall prescribe the form of a company license [~~, including a~~  
14 ~~branch office license~~]. The company license must include:

- 15 (1) the name of the company license holder;
- 16 (2) the name under which the company license holder is  
17 to operate;
- 18 (3) the company license number and the date the  
19 company license was issued; and
- 20 (4) a photograph of the company license holder,  
21 affixed to the company license at the time the company license is  
22 issued by the department [~~board~~].

23 SECTION 5.032. The heading to Section 1702.113, Occupations  
24 Code, is amended to read as follows:

25 Sec. 1702.113. GENERAL QUALIFICATIONS FOR COMPANY  
26 LICENSE [~~, CERTIFICATE OF REGISTRATION,~~] OR SECURITY OFFICER  
27 COMMISSION.

1 SECTION 5.033. Section 1702.113(a), Occupations Code, is  
2 amended to read as follows:

3 (a) An applicant for a company license[, ~~certificate of~~  
4 ~~registration, endorsement,~~] or security officer commission [~~or the~~  
5 ~~applicant's manager~~] must be at least 18 years of age and must not:

6 (1) at the time of application be charged under an  
7 information or indictment with the commission of a Class A or Class  
8 B misdemeanor or felony offense determined to be disqualifying by  
9 commission [~~board~~] rule;

10 (2) have been found by a court to be incompetent by  
11 reason of a mental defect or disease and not have been restored to  
12 competency;

13 (3) have been dishonorably discharged from the United  
14 States armed services, discharged from the United States armed  
15 services under other conditions determined by the commission  
16 [~~board~~] to be prohibitive, or dismissed from the United States  
17 armed services if a commissioned officer in the United States armed  
18 services; or

19 (4) be required to register in this or any other state  
20 as a sex offender[, ~~unless the applicant is approved by the board~~  
21 ~~under Section 1702.3615~~].

22 SECTION 5.034. Section 1702.114, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR  
25 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a company  
26 license to engage in the business of an investigations company [~~or~~  
27 ~~the applicant's manager~~] must have, before the date of the

1 application, three consecutive years' experience in the  
2 investigative field as an employee[~~, manager,~~] or owner of an  
3 investigations company or satisfy other requirements set by the  
4 commission [~~board~~].

5 (b) The applicant's experience must be:

6 (1) reviewed by the department [~~board or the chief~~  
7 ~~administrator~~]; and

8 (2) determined to be adequate to qualify the applicant  
9 to engage in the business of an investigations company.

10 SECTION 5.035. Section 1702.115, Occupations Code, is  
11 amended to read as follows:

12 Sec. 1702.115. ADDITIONAL QUALIFICATIONS FOR SECURITY  
13 SERVICES CONTRACTOR LICENSE. (a) An applicant for a company  
14 license to engage in the business of a security services contractor  
15 [~~or the applicant's manager~~] must have, before the date of the  
16 application, two consecutive years' experience in each security  
17 services field for which the person applies as an employee[~~,~~  
18 ~~manager,~~] or owner of a security services contractor or satisfy  
19 other requirements set by the commission [~~board~~].

20 (b) The applicant's experience must have been obtained  
21 legally and must be:

22 (1) reviewed by the department [~~board or the chief~~  
23 ~~administrator~~]; and

24 (2) determined to be adequate to qualify the applicant  
25 to engage in the business of a security services contractor.

26 SECTION 5.036. Section 1702.117, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1702.117. EXAMINATION. (a) The department [~~board~~]  
2 shall require an applicant for a company license under this chapter  
3 [~~or the applicant's manager~~] to demonstrate qualifications in the  
4 person's company license classification, including knowledge of  
5 applicable state laws and commission [~~board~~] rules, by taking an  
6 examination to be determined by the commission [~~board~~].

7           (b) Payment of the application fee entitles the applicant  
8 [~~or the applicant's manager~~] to take one examination without  
9 additional charge. A person who fails the examination must pay a  
10 reexamination fee to take a subsequent examination.

11           (c) The commission [~~board~~] shall set the reexamination fee  
12 in an amount not to exceed the amount of the renewal fee for the  
13 company license classification for which application was made.

14           (d) The department [~~board~~] shall develop and provide to a  
15 person who applies to take the examination under Subsection (a)  
16 material containing all applicable state laws and commission  
17 [~~board~~] rules.

18           SECTION 5.037. Section [1702.118](#), Occupations Code, is  
19 amended to read as follows:

20           Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than  
21 the 30th day after the date a person takes a licensing examination  
22 under this chapter, the department [~~board~~] shall notify the person  
23 of the examination results.

24           (b) If an examination is graded or reviewed by a testing  
25 service:

26           (1) the department [~~board~~] shall notify the person of  
27 the examination results not later than the 14th day after the date



1 the department [~~board~~] receives the results from the testing  
2 service; and

3 (2) if notice of the examination results will be  
4 delayed for longer than 90 days after the examination date, the  
5 department [~~board~~] shall notify the person of the reason for the  
6 delay before the 90th day.

7 (c) The department [~~board~~] may require a testing service to  
8 notify a person of the results of the person's examination.

9 (d) If requested in writing by a person who fails a  
10 licensing examination administered under this chapter, the  
11 department [~~board~~] shall furnish the person with an analysis of the  
12 person's performance on the examination.

13 SECTION 5.038. Section [1702.1183](#), Occupations Code, is  
14 amended to read as follows:

15 Sec. 1702.1183. RECIPROCAL COMPANY LICENSE FOR CERTAIN  
16 APPLICANTS. (a) The department [~~board~~] may waive any prerequisite  
17 to obtaining a company license for an applicant who holds a company  
18 license issued by another jurisdiction with which this state has a  
19 reciprocity agreement.

20 (b) The commission [~~board~~] may make an agreement, subject to  
21 the approval of the governor, with another state to allow for  
22 licensing by reciprocity.

23 (c) The commission [~~board~~] shall adopt rules under which the  
24 commission [~~board~~] may waive any prerequisite to obtaining a  
25 company license for, and credit experience for a company license  
26 requirement to, an individual who the commission [~~board~~] determines  
27 has acceptable experience gained during service in a branch of the

1 United States armed forces, including the United States Coast  
2 Guard.

3 SECTION 5.039. Section [1702.1186](#), Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.1186. PROVISIONAL COMPANY LICENSE. (a) The  
6 department [~~board~~] may issue a provisional company license to an  
7 applicant currently licensed in another jurisdiction who seeks an  
8 equivalent company license in this state and who:

9 (1) has been licensed in good standing as an  
10 investigations company or security services contractor for at least  
11 two years in another jurisdiction, including a foreign country,  
12 that has licensing requirements substantially equivalent to the  
13 requirements of this chapter;

14 (2) has passed a national or other examination  
15 recognized by the commission [~~board~~] relating to the practice of  
16 private investigations or security services contracting; and

17 (3) is sponsored by a person licensed by the  
18 department [~~board~~] under this chapter with whom the provisional  
19 company license holder will practice during the time the person  
20 holds a provisional company license.

21 (b) A provisional company license is valid until the date  
22 the department [~~board~~] approves or denies the provisional company  
23 license holder's application for a company license. The department  
24 [~~board~~] shall issue a company license under this chapter to the  
25 provisional company license holder if:

26 (1) the provisional company license holder is eligible  
27 to be licensed under Section [1702.1183](#); or

1 (2) the provisional company license holder:

2 (A) passes the part of the examination under  
3 Section 1702.117(a) that relates to the applicant's knowledge and  
4 understanding of the laws and rules relating to the practice of an  
5 investigations company or security services contractor in this  
6 state;

7 (B) is verified by the department [~~board~~] as  
8 meeting the academic and experience requirements for a company  
9 license under this chapter; and

10 (C) satisfies any other licensing requirements  
11 under this chapter.

12 (c) The department [~~board~~] must approve or deny a  
13 provisional company license holder's application for a company  
14 license not later than the 180th day after the date the provisional  
15 company license is issued. The department [~~board~~] may extend the  
16 180-day period if the results of an examination have not been  
17 received by the department [~~board~~] before the end of that period.

18 (d) The commission [~~board~~] may establish a fee for  
19 provisional company licenses in an amount reasonable and necessary  
20 to cover the cost of issuing the company license.

21 SECTION 5.040. Section 1702.122, Occupations Code, is  
22 amended to read as follows:

23 Sec. 1702.122. TEMPORARY CONTINUATION OF COMPANY LICENSE  
24 HOLDER'S BUSINESS. Under the terms provided by commission [~~board~~]  
25 rule, a company license holder's business may continue for a  
26 temporary period if the individual on the basis of whose  
27 qualifications a company license under this chapter has been

1 obtained ceases to be connected with the company license holder.

2 SECTION 5.041. Section 1702.123, Occupations Code, is  
3 amended to read as follows:

4 Sec. 1702.123. INSURANCE; BOND. (a) A company license  
5 holder shall maintain on file with the department [~~board~~] at all  
6 times the surety bond and certificate of insurance required by this  
7 chapter.

8 (b) The commission [~~board~~] shall immediately suspend the  
9 company license of a company license holder who violates Subsection  
10 (a).

11 (c) The commission [~~board~~] may rescind the company license  
12 suspension if the company license holder provides proof to the  
13 commission [~~board~~] that the bond or the insurance coverage is still  
14 in effect. The company license holder must provide the proof in a  
15 form satisfactory to the commission [~~board~~] not later than the 10th  
16 day after the date the company license is suspended.

17 (d) After suspension of the company license, the commission  
18 [~~board~~] may not reinstate the company license until an application,  
19 in the form prescribed by the commission [~~board~~], is filed  
20 accompanied by a proper bond, insurance certificate, or both. The  
21 commission [~~board~~] may deny the application notwithstanding the  
22 applicant's compliance with this section:

23 (1) for a reason that would justify suspending,  
24 revoking, or denying a company license; or

25 (2) if, during the suspension, the applicant performs  
26 a practice for which a company license is required.

27 SECTION 5.042. Sections 1702.124(a), (b), and (f),

1 Occupations Code, are amended to read as follows:

2 (a) An applicant is not eligible for a company license  
3 unless the applicant provides as part of the application:

4 (1) a certificate of insurance or other documentary  
5 evidence of a general liability insurance policy countersigned by  
6 an insurance agent licensed in this state; or

7 (2) a certificate of insurance for surplus lines  
8 coverage obtained under Chapter 981, Insurance Code, through a  
9 licensed Texas surplus lines agent resident in this state.

10 (b) The general liability insurance policy must be  
11 conditioned to pay on behalf of the company license holder damages  
12 that the company license holder becomes legally obligated to pay  
13 because of bodily injury, property damage, or personal injury,  
14 caused by an event involving the principal, or an officer, agent, or  
15 employee of the principal, in the conduct of any activity or service  
16 for which the company license holder is licensed under this  
17 chapter.

18 (f) In addition to the requirements of this section, an  
19 applicant or company license holder shall provide and maintain a  
20 certificate of insurance or other documentary evidence of insurance  
21 sufficient to cover all of the business activities of the applicant  
22 or company license holder related to private security.

23 SECTION 5.043. Section 1702.125, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed  
26 with the department [~~board~~] under this chapter remains in effect  
27 until the surety terminates future liability by providing to the

1 department [~~board~~] at least 30 days' notice of the intent to  
2 terminate liability.

3 SECTION 5.044. Section 1702.127, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.127. COMPANY LICENSE HOLDER EMPLOYEES; RECORDS.

6 (a) A company license holder may be legally responsible for the  
7 conduct in the company license holder's business of each employee  
8 of the company license holder while the employee is performing  
9 assigned duties for the company license holder.

10 (b) A company license holder shall maintain a record  
11 containing information related to the company license holder's  
12 employees as required by the commission [~~board~~].

13 (c) A company license holder shall maintain for inspection  
14 by the department at the company license holder's principal place  
15 of business or branch office two recent color photographs, of a type  
16 required by the commission [~~board~~], of each applicant, individual  
17 license holder [~~registrant~~], commissioned security officer, and  
18 employee of the company license holder.

19 (d) A company license holder shall maintain records  
20 required under this chapter at a physical address within this state  
21 and provide that address to the department [~~board~~].

22 SECTION 5.045. Section 1702.128, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.128. POSTING OF COMPANY LICENSE REQUIRED. A  
25 company license holder shall at all times post[+]

26 [~~(1)~~] the person's license in a conspicuous place in:  
27 (1) the principal place of business of the company

1 license holder; and

2 (2) each branch office [~~license in a conspicuous place~~  
3 ~~in each branch office~~] of the company license holder.

4 SECTION 5.046. Section 1702.129, Occupations Code, is  
5 amended to read as follows:

6 Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES.

7 (a) A company license holder shall notify the department [~~board~~]  
8 not later than the 14th day after the date of:

9 (1) a change of address for the company license  
10 holder's principal place of business;

11 (2) a change of a name under which the company license  
12 holder does business; or

13 (3) a change in the company license holder's officers  
14 or partners.

15 (b) A company license holder shall notify the department  
16 [~~board~~] in writing not later than the 14th day after the date a  
17 branch office:

18 (1) is established;

19 (2) is closed; or

20 (3) changes address or location.

21 SECTION 5.047. Section 1702.130(a), Occupations Code, is  
22 amended to read as follows:

23 (a) A company license holder, or an officer, director,  
24 partner, [~~manager,~~] or employee of a company license holder, may  
25 not:

26 (1) use a title, an insignia, or an identification  
27 card, wear a uniform, or make a statement with the intent to give an

1 impression that the person is connected with the federal  
2 government, a state government, or a political subdivision of a  
3 state government; or

4 (2) use a title, an insignia, or an identification  
5 card or wear a uniform containing the designation "police."

6 SECTION 5.048. Section 1702.131, Occupations Code, is  
7 amended to read as follows:

8 Sec. 1702.131. ADVERTISING. An advertisement by a company  
9 license holder soliciting or advertising business must contain the  
10 company license holder's company name and address as stated in  
11 department [~~board~~] records.

12 SECTION 5.049. Section 1702.132, Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.132. REPORTS TO EMPLOYER OR CLIENT. (a) A  
15 written report submitted to a company license holder's employer or  
16 client may only be submitted by the company license holder [~~or~~  
17 ~~manager~~] or a person authorized by a company license holder [~~or~~  
18 ~~manager~~]. The person submitting the report shall exercise  
19 diligence in determining whether the information in the report is  
20 correct.

21 (b) A company license holder or an officer, director,  
22 partner, [~~manager~~] or employee of a company license holder may not  
23 knowingly make a false report to the employer or client for whom  
24 information is obtained.

25 SECTION 5.050. Section 1702.133, Occupations Code, is  
26 amended to read as follows:

27 Sec. 1702.133. CONFIDENTIALITY; INFORMATION RELATING TO



1 CRIMINAL OFFENSE. (a) A company license holder or an officer,  
2 director, or partner[~~, or manager~~] of a company license holder may  
3 not disclose to another information obtained by the person for an  
4 employer or client except:

- 5 (1) at the direction of the employer or client; or
- 6 (2) as required by state law or court order.

7 (b) A company license holder or an officer, director, or  
8 partner[~~, or manager~~] of a company license holder shall disclose to  
9 a law enforcement officer or a district attorney, or that  
10 individual's representative, information the person obtains that  
11 relates to a criminal offense. A private investigator who is  
12 working under the direct supervision of a licensed attorney  
13 satisfies this requirement by disclosing the information to the  
14 supervising attorney.

15 SECTION 5.051. The heading to Section [1702.134](#), Occupations  
16 Code, is amended to read as follows:

17 Sec. 1702.134. COMPANY LICENSE HOLDER EXEMPTIONS FROM  
18 CERTAIN LOCAL REGULATIONS.

19 SECTION 5.052. Sections [1702.134](#)(a) and (b), Occupations  
20 Code, are amended to read as follows:

21 (a) A company license holder or an employee of a company  
22 license holder is not required to obtain an authorization, permit,  
23 franchise, or license from, pay another fee or franchise tax to, or  
24 post a bond in a municipality, county, or other political  
25 subdivision of this state to engage in business or perform a service  
26 authorized under this chapter.

27 (b) A municipality, county, or other political subdivision

1 of this state may not require a payment for the use of municipal,  
2 county, or other public facilities in connection with a business or  
3 service provided by a company license holder, except that a  
4 municipality may impose and collect:

5 (1) a reasonable charge for the use of a central alarm  
6 installation located in a police office that is owned, operated, or  
7 monitored by the municipality; and

8 (2) reasonable inspection and reinspection fees in  
9 connection with a device that causes at least five false alarms in a  
10 12-month period.

11 SECTION 5.053. Section 1702.161(b), Occupations Code, is  
12 amended to read as follows:

13 (b) An individual employed as a security officer may not  
14 knowingly carry a firearm during the course of performing duties as  
15 a security officer unless the department [~~board~~] has issued a  
16 security officer commission to the individual.

17 SECTION 5.054. Section 1702.162, Occupations Code, is  
18 amended to read as follows:

19 Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER  
20 COMMISSION. The employer of a security officer who applies for a  
21 security officer commission for the officer must submit an  
22 application to the department [~~board~~] on a form provided by the  
23 department [~~board~~].

24 SECTION 5.055. Section 1702.163(a), Occupations Code, is  
25 amended to read as follows:

26 (a) An applicant employed by a company license holder is not  
27 eligible for a security officer commission unless the applicant

1 submits as part of the application satisfactory evidence that the  
2 applicant has:

3 (1) completed the basic training course at a school or  
4 under an instructor approved by the department [~~board~~];

5 (2) met each qualification established by this chapter  
6 and administrative rule;

7 (3) achieved the score required by the department  
8 [~~board~~] on the examination under Section 1702.1685; and

9 (4) demonstrated to the satisfaction of the firearm  
10 training instructor that the applicant has complied with other  
11 department [~~board~~] standards for minimum marksmanship competency  
12 with a handgun.

13 SECTION 5.056. Section 1702.165, Occupations Code, is  
14 amended to read as follows:

15 Sec. 1702.165. ISSUANCE OF SECURITY OFFICER COMMISSION;  
16 POCKET CARD. (a) The [~~board, with the concurrence of the~~]  
17 department:

18 (1) may issue a security officer commission to an  
19 individual employed as a uniformed security officer; and

20 (2) shall issue a security officer commission to a  
21 qualified employee of an armored car company that is a carrier  
22 conducting the armored car business under a federal or state permit  
23 or certificate.

24 (b) A security officer commission issued under this section  
25 must be in the form of a pocket card designed by the department  
26 [~~board~~] that identifies the security officer.

27 SECTION 5.057. Section 1702.167, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED  
3 SECURITY OFFICER; TRANSFER OF COMMISSION. The holder of a security  
4 officer commission who terminates employment with one employer may  
5 transfer the individual's commission to a new employer if, not  
6 later than the 14th day after the date the individual begins the new  
7 employment, the new employer notifies the department [~~board~~] of the  
8 transfer of employment on a form prescribed by the department  
9 [~~board~~], accompanied by payment of the employee information update  
10 fee.

11           SECTION 5.058. Sections 1702.1675(a), (b), (c), (d), (e),  
12 (f), and (i), Occupations Code, are amended to read as follows:

13           (a) The commission [~~board~~] shall establish a basic training  
14 course for commissioned security officers. The course must  
15 include, at a minimum:

- 16                   (1) general security officer training issues;  
17                   (2) classroom instruction on handgun proficiency; and  
18                   (3) range instruction on handgun proficiency.

19           (b) The course must be offered and taught by schools and  
20 instructors approved by the department [~~board~~]. To receive  
21 department [~~board~~] approval, a school or an instructor must submit  
22 an application to the department [~~board~~] on a form provided by the  
23 department [~~board~~].

24           (c) The basic training course established under this  
25 section [~~approved by the board~~] must consist of a minimum of 30  
26 hours.

27           (d) The general security officer training portion of the

1 course must include instruction on:

- 2 (1) ~~[board rules and]~~ applicable rules and state laws;
  - 3 (2) field note taking and report writing; and
  - 4 (3) any other topics of security officer training
- 5 curriculum the department ~~[board]~~ considers necessary.

6 (e) The department ~~[board]~~ shall develop a commissioned  
7 security officer training manual that contains applicable state  
8 laws and ~~[board]~~ rules to be used in the instruction and training of  
9 commissioned security officers.

10 (f) The commission ~~[board]~~ shall adopt rules necessary to  
11 administer the provisions of this section concerning the training  
12 requirements of this chapter.

13 (i) The commission ~~[board]~~ by rule shall establish minimum  
14 standards for handgun proficiency that are at least as stringent as  
15 the standards for handgun proficiency developed ~~[by the public~~  
16 ~~safety director]~~ under Section 411.188, Government Code.

17 SECTION 5.059. Section 1702.168, Occupations Code, is  
18 amended to read as follows:

19 Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to  
20 the requirements of Section 1702.163(a), the commission ~~[board]~~ by  
21 rule shall establish other qualifications for individuals who are  
22 employed in positions requiring the carrying of firearms. The  
23 qualifications may include:

- 24 (1) physical and mental standards; and
- 25 (2) ~~[standards of good moral character, and~~
- 26 ~~[(3)]~~ other requirements that relate to the competency  
27 and reliability of individuals to carry firearms.

1 (b) The commission [~~board~~] shall prescribe appropriate  
2 forms and adopt rules by which evidence is presented that the  
3 requirements are fulfilled.

4 SECTION 5.060. Sections 1702.1685(b) and (d), Occupations  
5 Code, are amended to read as follows:

6 (b) Only a department-approved [~~board-approved~~] instructor  
7 may administer the handgun proficiency examination.

8 (d) The school shall maintain the records of the required  
9 proficiency and make the records available for inspection by the  
10 department [~~board~~].

11 SECTION 5.061. Section 1702.171, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The  
14 commission [~~board~~] shall adopt rules for the maintenance of records  
15 relating to an individual to whom the department [~~board~~] has issued  
16 a security officer commission.

17 SECTION 5.062. The heading to Subchapter H, Chapter 1702,  
18 Occupations Code, is amended to read as follows:

19 SUBCHAPTER H. EMPLOYMENT OF COMMISSIONED SECURITY OFFICER BY  
20 CERTAIN PERSONS; [~~LETTER OF AUTHORITY~~] REQUIREMENTS

21 SECTION 5.063. Section 1702.181, Occupations Code, is  
22 amended to read as follows:

23 Sec. 1702.181. NOTICE AND REGISTRATION [~~LETTER OF~~  
24 ~~AUTHORITY~~] REQUIRED; REGISTRY. (a) The security department of a  
25 private business or a political subdivision may not employ a  
26 commissioned security officer unless the security department  
27 provides notice to the department in the form prescribed by the

1 commission of:

2 (1) the security department's intent to employ a  
3 commissioned security officer and register with the department  
4 under this section;

5 (2) the name, title, and contact information of the  
6 person serving in the security department as the contact for the  
7 department; and

8 (3) any change in the information provided in  
9 Subdivision (1) or (2) [~~holds a letter of authority~~].

10 (b) The department shall maintain a registry of security  
11 departments that provide notice under Subsection (a) and the name,  
12 title, and contact information of the person serving as contact for  
13 each security department.

14 SECTION 5.064. The heading to Subchapter I, Chapter 1702,  
15 Occupations Code, is amended to read as follows:

16 SUBCHAPTER I. PERSONAL PROTECTION OFFICER LICENSE [~~ENDORSEMENT~~]  
17 REQUIREMENTS

18 SECTION 5.065. Section 1702.201, Occupations Code, is  
19 amended to read as follows:

20 Sec. 1702.201. PERSONAL PROTECTION OFFICER LICENSE  
21 [~~ENDORSEMENT~~] REQUIRED. An individual may not act as a personal  
22 protection officer unless the individual holds a personal  
23 protection officer license [~~endorsement~~].

24 SECTION 5.066. Section 1702.203, Occupations Code, is  
25 amended to read as follows:

26 Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER  
27 LICENSE [~~ENDORSEMENT~~]. An applicant for a personal protection

1 officer license [~~endorsement~~] must submit a written application on  
2 a form prescribed by the commission [~~board~~].

3 SECTION 5.067. Section 1702.204, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.204. PERSONAL PROTECTION OFFICER LICENSE  
6 [~~ENDORSEMENT~~]; QUALIFICATIONS. (a) An applicant for a personal  
7 protection officer license [~~endorsement~~] must be at least 21 years  
8 of age and must provide:

9 (1) a certificate of completion of the basic security  
10 officer training course;

11 (2) proof that the applicant:

12 (A) has been issued a security officer  
13 commission;

14 (B) is employed at the time of application by an  
15 investigations company or guard company licensed by the department  
16 [~~board~~]; and

17 (C) has completed the required training in  
18 nonlethal self-defense or defense of a third person; and

19 (3) proof of completion and the results of the  
20 Minnesota Multiphasic Personality Inventory psychological testing.

21 (b) The commission [~~board~~] by rule shall require an  
22 applicant for a personal protection officer license [~~endorsement~~]  
23 to complete the Minnesota Multiphasic Personality Inventory test.  
24 The department [~~board~~] may use the results of the test to evaluate  
25 the applicant's psychological fitness.

26 SECTION 5.068. Section 1702.205(a), Occupations Code, is  
27 amended to read as follows:



1 (a) The commission [~~board~~] shall establish a 15-hour course  
2 for a personal protection officer consisting of training in  
3 nonlethal self-defense or defense of a third person.

4 SECTION 5.069. Section 1702.206(a), Occupations Code, is  
5 amended to read as follows:

6 (a) An individual acting as a personal protection officer  
7 may not carry a firearm unless the officer:

8 (1) is either:

9 (A) engaged in the exclusive performance of the  
10 officer's duties as a personal protection officer for the employer  
11 under whom the officer's personal protection officer license  
12 [~~endorsement~~] is issued; or

13 (B) traveling to or from the officer's place of  
14 assignment; and

15 (2) carries the officer's security officer commission  
16 and personal protection officer license [~~endorsement~~] on the  
17 officer's person while performing the officer's duties or traveling  
18 as described by Subdivision (1) and presents the commission and  
19 license [~~endorsement~~] on request.

20 SECTION 5.070. The heading to Subchapter J, Chapter 1702,  
21 Occupations Code, is amended to read as follows:

22 SUBCHAPTER J. LICENSING AND [~~REGISTRATION AND ENDORSEMENT~~  
23 ~~REQUIREMENTS,~~] DUTIES OF INDIVIDUALS [~~REGISTRANT AND ENDORSEMENT~~  
24 ~~HOLDER~~]

25 SECTION 5.071. Section 1702.221, Occupations Code, is  
26 amended to read as follows:

27 Sec. 1702.221. INDIVIDUAL LICENSE [~~REGISTRATION AND~~

1 ~~ENDORSEMENT~~] REQUIRED. (a) To perform any activity regulated by  
2 this chapter, the individual must:

3 (1) [~~register in accordance with the requirements of~~  
4 ~~this chapter and related administrative rules,~~

5 [~~(2)~~] obtain the proper individual license  
6 [~~endorsement~~] under Subsection (b); and

7 (2) [~~(3)~~] be employed by a company license holder  
8 [~~licensed under this chapter~~].

9 (b) An individual must obtain the appropriate individual  
10 license [~~endorsement~~] in accordance with the requirements of this  
11 chapter and related administrative rules if the individual:

12 (1) is employed as:

13 (A) an alarm instructor;

14 (B) an alarm systems installer;

15 (C) an alarm systems monitor;

16 (D) an electronic access control device  
17 installer;

18 (E) a level 3 classroom or firearm instructor;

19 (F) a locksmith;

20 (G) [~~a dog trainer,~~

21 [~~(H) a manager or branch office manager,~~

22 [~~(I)~~] a noncommissioned security officer;

23 (H) [~~(J)~~] a level 4 personal protection  
24 instructor;

25 (I) [~~(K)~~] a private investigator; or

26 (J) [~~(L) a private security consultant,~~

27 [~~(M) a security salesperson, or~~

1                   [~~(N)~~] an individual whose duties include  
2 performing another activity for which an individual license  
3 [~~endorsement~~] is required under Subsection (e); or

4                   (2) is an owner who owns at least a 51 percent interest  
5 in a company license holder [~~who oversees the security-related~~  
6 ~~aspects of the business, officer, partner, or shareholder of a~~  
7 ~~license holder~~].

8                   (c) Licensure [~~Registration and endorsement~~] under this  
9 chapter does not preclude an individual from performing additional  
10 duties or services authorized by the individual's employer that are  
11 not regulated by this chapter. An individual who performs more than  
12 one of the services that require an individual license [~~an~~  
13 ~~endorsement~~] under this section must obtain an individual license  
14 [~~an endorsement~~] for each service.

15                   (d) In addition to the services listed in Subsection (b), a  
16 person holding a security officer commission must also obtain an  
17 individual license [~~an endorsement~~] for personal protection if the  
18 individual performs the services described by Section 1702.202.

19                   (e) The commission [~~board~~] by rule may require a person to  
20 hold an individual license [~~an endorsement~~] for performing any  
21 other activity expressly regulated by this chapter.

22                   SECTION 5.072. Section 1702.2226(b), Occupations Code, is  
23 amended to read as follows:

24                   (b) A person licensed [~~registered~~] as an electronic access  
25 control device installer may not install alarm systems unless the  
26 person holds an individual license [~~an endorsement~~] under this  
27 chapter as an alarm systems installer.

1 SECTION 5.073. Section 1702.229, Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.229. QUALIFICATIONS FOR INDIVIDUAL LICENSE  
4 [~~REGISTRATION~~]. (a) An applicant for an individual license  
5 [~~registration~~] must meet the qualifications required under Section  
6 1702.113 for a company license applicant.

7 (b) The commission [~~In accordance with the requirements of~~  
8 ~~Section 1702.0611, the board~~] by rule may adopt additional  
9 qualifications for an individual to obtain an individual license  
10 [~~be registered~~] under this subchapter.

11 SECTION 5.074. Section 1702.230, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.230. APPLICATION FOR INDIVIDUAL LICENSE  
14 [~~REGISTRATION OR ENDORSEMENT~~]. (a) An application for an  
15 individual license [~~registration or endorsement~~] must be verified  
16 and include:

17 (1) the applicant's full name, residence address,  
18 residence telephone number, date and place of birth, and social  
19 security number;

20 (2) a statement that:

21 (A) lists each name used by the applicant, other  
22 than the name by which the applicant is known at the time of  
23 application, and an explanation stating each place where each name  
24 was used, the date of each use, and a full explanation of the  
25 reasons the name was used; or

26 (B) states that the applicant has never used a  
27 name other than the name by which the applicant is known at the time

1 of application;

2 (3) the name and address of the applicant's employer  
3 [~~and, if applicable, the applicant's consulting firm~~];

4 (4) the date the employment described by Subdivision  
5 (3) commenced;

6 (5) a letter from the company license holder  
7 requesting that the applicant be issued an individual license [~~be~~  
8 ~~registered or endorsed~~];

9 (6) the title of the position occupied by the  
10 applicant and a description of the applicant's duties;

11 (7) the required fees, including the criminal history  
12 check fee established under Section [1702.282](#);

13 (8) fingerprints of the applicant provided in the  
14 manner prescribed by the department [~~board~~]; and

15 (9) any other information, evidence, statement, or  
16 document required by the department [~~board~~].

17 (b) The employer of the applicant shall make a reasonable  
18 attempt to verify the information required under Subsection (a)(1)  
19 before the earlier of:

20 (1) the date the application is submitted; or

21 (2) the date the applicant begins to perform the  
22 duties of employment that require an individual license  
23 [~~registration~~].

24 (c) An applicant must submit an application that  
25 substantially meets the requirements of this section before  
26 employment in a capacity for which an individual license  
27 [~~registration~~] is required.

1 (d) For purposes of Subsection (a), an application is not  
2 considered to be verified until the department [~~board~~] has received  
3 electronic verification from the department or the Federal Bureau  
4 of Investigation, as applicable, that the applicant has submitted  
5 the applicant's fingerprints.

6 (e) The department [~~board~~] shall make information available  
7 to the public concerning whether an applicant for an individual  
8 license [~~registration or endorsement~~] has met the requirements  
9 under this chapter for performing a service for which the  
10 individual license [~~registration or endorsement~~] is required.

11 (f) If information concerning an applicant is not made  
12 available under Subsection (e) before the 48th hour after the time  
13 the applicant's fingerprints are submitted in accordance with  
14 Subsection (a), the applicant may begin performing the duties of  
15 employment for which the individual license [~~registration or~~  
16 ~~endorsement~~] is required, other than duties as a commissioned  
17 security officer, if the employer or its agent:

18 (1) verifies through the department's publicly  
19 accessible website that the applicant is:

20 (A) not disqualified for the individual license  
21 [~~registration or endorsement~~] based on the applicant's criminal  
22 history; and

23 (B) not required to register as a sex offender  
24 under Chapter 62, Code of Criminal Procedure; and

25 (2) maintains in the applicant's employee file a copy  
26 of the search results obtained under Subdivision (1).

27 SECTION 5.075. Section 1702.2305, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.2305. PROVISIONAL           INDIVIDUAL           LICENSE

3 [~~REGISTRATION~~].           (a) The department [~~board~~] may issue a  
4 provisional individual license [~~registration~~] to an applicant  
5 currently licensed [~~registered~~] in another jurisdiction who seeks  
6 an equivalent license [~~registration~~] in this state and who:

7           (1) has been licensed [~~registered~~] in good standing in  
8 the field in which the individual license [~~registration~~] is sought  
9 for at least two years in another jurisdiction, including a foreign  
10 country, that has licensing [~~registration~~] requirements  
11 substantially equivalent to the requirements of this chapter;

12           (2) has passed a national or other examination  
13 recognized by the commission [~~board~~] relating to practice in the  
14 field in which the individual license [~~registration~~] is sought; and

15           (3) is employed by a company license holder [~~person~~  
16 ~~licensed by the board under this chapter~~] with whom the provisional  
17 individual license holder [~~registration holder~~] will practice  
18 during the time the person holds a provisional individual license  
19 [~~registration~~].

20           (b) A provisional individual license [~~registration~~] is  
21 valid until the date the department [~~board~~] approves or denies the  
22 provisional individual license [~~registration~~] holder's application  
23 for an individual license [~~a registration~~]. The department [~~board~~]  
24 shall issue an individual license [~~a registration~~] under this  
25 chapter to the provisional individual license [~~registration~~]  
26 holder if the provisional individual license [~~registration~~] holder  
27 is eligible to be licensed [~~registered~~] under this chapter.

1 (c) The department [~~board~~] must approve or deny a  
2 provisional individual license [~~registration~~] holder's application  
3 for an individual license [~~a registration~~] not later than the 180th  
4 day after the date the provisional individual license  
5 [~~registration~~] is issued. The department [~~board~~] may extend the  
6 180-day period if the results of an examination have not been  
7 received by the department [~~board~~] before the end of that period.

8 (d) The commission [~~board~~] may establish a fee for a  
9 provisional individual license [~~registration~~] in an amount  
10 reasonable and necessary to cover the cost of issuing the  
11 individual license [~~registration~~].

12 SECTION 5.076. Section [1702.232](#), Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.232. POCKET CARDS. (a) The department [~~board~~]  
15 shall issue a pocket card for each individual license holder  
16 [~~registrant~~] under this chapter. A pocket card for an owner[~~r~~  
17 ~~officer, partner, or shareholder~~] of a company license holder shall  
18 be issued to the company license holder.

19 (b) The department [~~board~~] shall determine the size,  
20 design, and content of the pocket card.

21 (c) The pocket card must:

22 (1) state the name of the individual license holder  
23 [~~registrant~~];

24 (2) contain a color photograph, affixed to the pocket  
25 card by the department [~~board~~] at the time the card is issued, and  
26 the signature of the individual license holder [~~registrant~~]; and

27 (3) state the date the card was issued and the card's



1 expiration date [~~and~~

2 [~~(4) state each endorsement held by the registrant and~~  
3 ~~the date the endorsement expires]~~].

4 SECTION 5.077. Section 1702.233, Occupations Code, is  
5 amended to read as follows:

6 Sec. 1702.233. DURATION OF POCKET CARDS. A pocket card  
7 issued for an individual license holder [~~a registrant is valid for~~  
8 ~~two years and~~] expires on the date the individual license  
9 [~~registration~~] expires under Section 1702.301(b) [~~1702.301(d),~~  
10 ~~(e), or (f)~~].

11 SECTION 5.078. Section 1702.234, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.234. [~~REGISTRATION AND ENDORSEMENT~~] TRANSFER OF  
14 INDIVIDUAL LICENSE. An individual license holder [~~A registrant~~]  
15 may transfer the holder's license [~~registrant's registration and~~  
16 ~~endorsements~~] from one employer to another employer if, not later  
17 than the 14th day after the date the individual license holder  
18 [~~registrant~~] begins the new employment, the new employer notifies  
19 the department [~~board~~] of the transfer of employment on a form  
20 prescribed by the commission [~~board~~] accompanied by payment of the  
21 employee information update fee.

22 SECTION 5.079. Section 1702.235, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.235. PREEMPLOYMENT CHECK FOR NONCOMMISSIONED  
25 SECURITY OFFICERS. A person may not hire a noncommissioned  
26 security officer unless the person conducts a preemployment check  
27 as required by commission [~~board~~] rule.

1 SECTION 5.080. Section [1702.236](#), Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR  
4 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The department  
5 [~~board~~] shall require an individual who applies for an individual  
6 license [~~endorsement~~] as an electronic access control device  
7 installer to pass an examination given by the department [~~board~~] or  
8 a person approved by the department [~~board~~]. The examination must  
9 cover material related to access control.

10 (b) The commission [~~On and after September 1, 2005, the~~  
11 ~~board~~] by rule may allow an electronic access control device  
12 installer to obtain or renew an individual license [~~endorsement~~] by  
13 fulfilling the requirements of a commission-approved  
14 [~~board-approved~~], industry-based educational training program.

15 SECTION 5.081. Section [1702.239](#), Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.239. TRAINING REQUIREMENTS FOR ALARM SYSTEMS  
18 INSTALLER [~~AND SECURITY SALESPERSON~~]; EXAMINATION. (a) The  
19 commission [~~board~~] may require that an individual employed as an  
20 alarm systems installer [~~or security salesperson~~] hold a  
21 certification by a commission-approved [~~board-approved~~] training  
22 program to renew an individual license [~~endorsement~~]. The  
23 commission [~~board~~] may approve only nationally recognized training  
24 programs that consist of at least 16 hours of classroom study in the  
25 areas of work allowed by the individual license [~~endorsement~~]. To  
26 be approved, a training program must offer at least two  
27 certification programs each year, sufficient to complete the

1 requirements of this subsection, within 100 miles of each county in  
2 the state that has a population of more than 500,000.

3 (b) The commission [~~board~~] may require an individual who has  
4 completed a training program under Subsection (a) to pass an  
5 examination given by the department [~~board~~] or by a person approved  
6 by the department [~~board~~]. The commission [~~board~~] may approve  
7 examinations in conjunction with training programs approved under  
8 Subsection (a). The individual's performance on the examination  
9 must demonstrate the individual's qualifications to perform the  
10 duties allowed by the individual's individual license  
11 [~~endorsement~~].

12 (c) [~~An individual who holds a registration on September 30,~~  
13 ~~1993, is not required to comply with requirements adopted under~~  
14 ~~Subsections (a) and (b) during the time the individual maintains~~  
15 ~~the registration with the individual's current license holder.~~

16 [(~~d~~)] If the commission [~~board~~] requires certification or  
17 examination under this section, the commission [~~board~~] shall adopt  
18 [~~implement~~] rules to require that to renew an individual license  
19 [~~endorsement~~], an individual who is employed as an alarm systems  
20 installer [~~or a security salesperson~~] and who has already once  
21 renewed the individual license [~~endorsement~~] must obtain  
22 continuing education credits related to the line of work for which  
23 the individual is licensed. If the commission [~~board~~] requires the  
24 continuing education, the chief administrator must approve classes  
25 offered by nationally recognized organizations, and participants  
26 in the classes must qualify according to commission [~~board~~] rules.

27 SECTION 5.082. Section 1702.240, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.240. [~~REGISTRATION~~] EXEMPTIONS FOR UNDERCOVER  
3 AGENT. (a) For the purposes of this section, "undercover agent"  
4 means an individual hired by a person to perform a job in or for that  
5 person, and while performing that job, to act as an undercover  
6 agent, an employee, or an independent contractor of a company  
7 license holder, but supervised by a company license holder.

8           (b) An employee of a company license holder who is employed  
9 exclusively as an undercover agent is not required to obtain an  
10 individual license [~~register with the board~~].

11           SECTION 5.083. Section 1702.241, Occupations Code, is  
12 amended to read as follows:

13           Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The  
14 commission [~~board~~] may develop and the department may administer at  
15 least twice each calendar year a jurisprudence examination to  
16 determine the knowledge that an applicant for an individual license  
17 [~~endorsement~~] has of this chapter, commission [~~board~~] rules, and  
18 any other applicable laws of this state affecting the applicant's  
19 activities regulated under this chapter.

20           (b) Before the department [~~board~~] may administer a  
21 jurisprudence examination under this section, the commission  
22 [~~board~~] shall adopt rules to implement this section, including  
23 rules related to the development and administration of the  
24 examination, examination fees, guidelines for reexamination,  
25 grading the examination, and providing notice of examination  
26 results. The department [~~board~~] may design different examinations  
27 for different types of individual licenses [~~endorsements~~].

1 SECTION 5.084. Section 1702.282, Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.282. CRIMINAL HISTORY CHECK. (a) The department  
4 [~~board~~] shall conduct a criminal history check, including a check  
5 of any criminal history record information maintained by the  
6 Federal Bureau of Investigation, in the manner provided by  
7 Subchapter F, Chapter 411, Government Code, on each applicant for a  
8 license or [~~registration~~] security officer commission issued  
9 under this chapter [~~letter of approval, permit, endorsement, or~~  
10 ~~certification~~]. As part of its criminal history check, the  
11 department [~~board~~] may request that the applicant provide certified  
12 copies of relevant court documents or other records. The failure to  
13 provide the requested records within a reasonable time as  
14 determined by the department [~~board~~] may result in the application  
15 being considered incomplete. An applicant is not eligible for a  
16 license or security officer [~~registration~~] commission issued  
17 under this chapter [~~letter of approval, permit, endorsement, or~~  
18 ~~certification~~] if the check reveals that the applicant has  
19 committed an act that constitutes grounds for the denial of the  
20 license or [~~registration~~] commission [~~letter of approval,~~  
21 ~~permit, endorsement, or certification~~]. Except as provided by  
22 Subsection (d), each applicant shall submit at the time of  
23 application, including an application for the renewal of a license  
24 or security officer [~~registration~~] commission issued under this  
25 chapter [~~letter of approval, permit, endorsement, or~~  
26 ~~certification~~], fingerprints in the manner prescribed by the  
27 department [~~board~~] accompanied by the fee set by the commission

1 ~~[board]~~.

2 (b) Before beginning employment as a commissioned security  
3 officer, the applicant must be approved by the department ~~[board]~~  
4 based on the results of the check under Subsection (a). To continue  
5 employment in a capacity regulated under this chapter other than as  
6 a commissioned security officer, the applicant must be approved by  
7 the department ~~[board]~~ based on the results of the check under  
8 Subsection (a) not later than the 120th day after the date the  
9 applicant begins employment in that capacity.

10 (c) A license or ~~[, registration,]~~ security officer  
11 commission~~[, letter of approval, permit, endorsement, or~~  
12 ~~certification]~~ issued by the department ~~[board]~~ is conditional on  
13 the department's review ~~[board's receipt]~~ of criminal history  
14 record information.

15 (d) An applicant who is a peace officer is not required to  
16 submit fingerprints with the applicant's application. On request,  
17 the law enforcement agency or other entity that employs the peace  
18 officer or the entity that maintains the peace officer's  
19 fingerprints shall provide the fingerprints for the peace officer  
20 to the department ~~[board]~~. The applicant shall provide sufficient  
21 information to the department ~~[board]~~ to enable the department  
22 ~~[board]~~ to obtain the fingerprints under this subsection.

23 (e) On receipt of notice that a check of the applicant's  
24 criminal record has uncovered an unresolved and potentially  
25 disqualifying arrest that occurred before the 10th anniversary of  
26 the date the application is filed, the applicant must provide a  
27 letter of reference from the county sheriff, prosecuting attorney,

1 or judge of the county in which the applicant was arrested stating  
2 that a record of a disposition related to the arrest does not exist,  
3 and to the best of the county sheriff's, prosecuting attorney's, or  
4 judge's knowledge the applicant is free of any disqualifying  
5 convictions. If the applicant fails to provide either the letter of  
6 reference or documentary proof of the final disposition of the  
7 arrest, the application is considered incomplete and the applicant  
8 may not be issued a license or security officer~~[7]~~ commission~~[7]~~  
9 ~~endorsement, or certificate of registration]~~ under this chapter.

10 SECTION 5.085. Section [1702.283](#), Occupations Code, is  
11 amended to read as follows:

12 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been  
13 convicted of cruelty to animals under Section [42.09](#) or [42.092](#),  
14 Penal Code, ~~[+~~

15 ~~[(1) is ineligible for a license as a guard dog company~~  
16 ~~or for endorsement as a dog trainer, and~~

17 ~~[(2)]~~ may not be employed to work with dogs as a  
18 security officer by a security services contractor or security  
19 department of a private business that uses dogs to protect  
20 individuals or property or to conduct investigations.

21 SECTION 5.086. Section [1702.284](#)(a), Occupations Code, is  
22 amended to read as follows:

23 (a) Information contained in alarm systems records  
24 maintained by a governmental body that concerns the location of an  
25 alarm system, the name of the occupant of an alarm system location,  
26 or the type of alarm system used is confidential and may be  
27 disclosed only to the department ~~[board]~~, to the alarm company to

1 which the confidential records relate, or as otherwise required by  
2 state law or court order.

3 SECTION 5.087. Section [1702.285](#), Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.285. FALSE REPRESENTATION. A person may not  
6 represent falsely that the person:

7 (1) is employed by a company license holder; or

8 (2) has a license or security officer commission [~~is~~  
9 ~~licensed, registered, endorsed, or commissioned~~] under this  
10 chapter.

11 SECTION 5.088. Sections [1702.288](#)(a), (d), and (f),  
12 Occupations Code, are amended to read as follows:

13 (a) The commission [~~board~~] shall adopt rules in accordance  
14 with this section that require a company license holder acting as an  
15 alarm systems company under this chapter to inform each of the  
16 license holder's clients that the client is entitled to receive a  
17 written contract for alarm system services that contains the  
18 client's fee arrangement and other relevant information about  
19 services to be rendered.

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

24 (1) notify the recipient of those services of the  
25 name, address, and telephone number and individual to contact at  
26 the company that purchased the contract;

27 (2) notify the recipient of services at the time the



1 contract is negotiated that another licensed company may provide  
2 any of the services requested by subcontracting or outsourcing  
3 those services; and

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

8 (f) A company license holder acting as an alarm systems  
9 company does not have to provide the notice required under  
10 Subsection (d) if the contact information, including the address  
11 and the telephone numbers for the alarm systems company, has not  
12 changed.

13 SECTION 5.089. Section [1702.289](#), Occupations Code, is  
14 amended to read as follows:

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

19 (1) notify the manager or owner of the business of the  
20 presence of the person conducting the inspection or audit; and

21 (2) present the manager or owner of the business with  
22 credentials that identify the person conducting the inspection or  
23 audit as an employee or agent of the department [~~or board~~].

24 (b) This section does not prohibit the department [~~or board~~]  
25 from conducting an undercover investigation or covert audit in  
26 order to determine compliance with this chapter or a rule adopted  
27 under this chapter.

1 SECTION 5.090. Sections 1702.301(b), (c), and (h),  
2 Occupations Code, are amended to read as follows:

3 (b) A company license, individual license, and security  
4 officer commission expire on the dates determined by the commission  
5 under Section 411.511, Government Code, but not later than ~~[expires~~  
6 ~~on]~~ the second anniversary of the date the license or commission is  
7 issued.

8 (c) A personal protection officer license ~~[endorsement]~~  
9 expires on the date determined by the commission under Section  
10 411.511, Government Code, but not later than ~~[on]~~ the expiration  
11 date of the security officer commission under which the license  
12 ~~[individual's endorsement]~~ is issued.

13 (h) A license~~[, registration, or endorsement]~~ issued under  
14 this chapter, other than one specified in this section, expires on  
15 the date determined by the commission under Section 411.511,  
16 Government Code, but not later than the second anniversary of the  
17 date the license is issued ~~[specified by this chapter or by board~~  
18 ~~rule]~~.

19 SECTION 5.091. Sections 1702.302(a), (b), (c), and (e),  
20 Occupations Code, are amended to read as follows:

21 (a) A person who is otherwise eligible to renew a license  
22 may renew an unexpired license by paying the required renewal fee to  
23 the department ~~[board]~~ before the expiration date of the license. A  
24 person whose license has expired may not engage in activities that  
25 require a license until the license has been renewed.

26 (b) A person whose license has been expired for 90 days or  
27 less may renew the license by paying to the department ~~[board]~~ a

1 renewal fee that is equal to 1-1/2 times the normally required  
2 renewal fee.

3 (c) A person whose license has been expired for longer than  
4 90 days but less than one year may renew the license by paying to the  
5 department [~~board~~] a renewal fee that is equal to two times the  
6 normally required renewal fee.

7 (e) Not later than the 30th day before the date a person's  
8 license is scheduled to expire, the department [~~board~~] shall send  
9 written notice of the impending expiration to the person at the  
10 person's last known address according to the department's [~~board's~~]  
11 records.

12 SECTION 5.092. Section [1702.303](#), Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE  
15 PRACTITIONER. A person who was licensed in this state, moved to  
16 another state, and is currently licensed and has been in practice in  
17 the other state for the two years preceding the date the person  
18 applies for renewal may obtain a new license without reexamination.  
19 The person must pay to the department [~~board~~] a fee that is equal to  
20 two times the normally required renewal fee for the license.

21 SECTION 5.093. Sections [1702.308](#)(b) and (c), Occupations  
22 Code, are amended to read as follows:

23 (b) The department [~~board~~] shall recognize, prepare, or  
24 administer continuing education programs for company license  
25 holders, commissioned security officers, and individual license  
26 [~~endorsement~~] holders. The commission [~~board~~] shall set the  
27 minimum number of hours that must be completed and the types of

1 programs that may be offered.

2 (c) A company license holder, commissioned security  
 3 officer, or individual license [~~endorsement~~] holder must  
 4 participate in the programs to the extent required by the  
 5 commission [~~board~~] to keep the person's license or [~~7~~] commission [~~7~~  
 6 ~~or endorsement~~]. A company license holder, commissioned security  
 7 officer, or individual license [~~endorsement~~] holder shall submit  
 8 evidence of compliance with the commission's [~~board's~~] continuing  
 9 education requirements in a manner prescribed by the department  
 10 [~~board~~].

11 SECTION 5.094. Section 1702.309(a), Occupations Code, is  
 12 amended to read as follows:

13 (a) The commission [~~board~~] by rule shall develop a  
 14 continuing education course required for renewal of a security  
 15 officer commission. Only a department-approved [~~board-approved~~]  
 16 instructor may administer the continuing education course. The  
 17 course must include at least six hours of instruction determined by  
 18 the department [~~chief administrator of the board~~].

19 SECTION 5.095. Sections 1702.321(b), (c), and (e),  
 20 Occupations Code, are amended to read as follows:

21 (b) The provisions of this chapter relating to security  
 22 officer commissions apply to a person employed by a political  
 23 subdivision whose duties include serving as a security guard,  
 24 security watchman, or security patrolman on property owned or  
 25 operated by the political subdivision if the governing body of the  
 26 political subdivision files a written request with the department  
 27 [~~board~~] for the department [~~board~~] to issue a commission to the

1 political subdivision's employees with those duties.

2 (c) The department [~~board~~] may not charge a fee for issuing  
3 a commission to an officer under Subsection (b). The department  
4 [~~board~~] shall issue to the officer a pocket card designating the  
5 political subdivision that employs the officer.

6 (e) The department [~~board~~] may approve a security officer  
7 training program conducted by the political subdivision in  
8 accordance with Sections 1702.1675 and 1702.168.

9 SECTION 5.096. Sections 1702.323(c) and (c-1), Occupations  
10 Code, are amended to read as follows:

11 (c) The security department of a private business may not  
12 hire or employ an individual to perform a duty described by Section  
13 1702.222 if the individual has been convicted of a crime that would  
14 otherwise preclude the individual from being licensed [~~registered~~]  
15 under this chapter. The private business shall maintain the  
16 individual's criminal history record on file at the business and  
17 shall make the record available for inspection by the department  
18 [~~Department of Public Safety~~].

19 (c-1) Although the security department of a private  
20 business that hires or employs an individual as a private security  
21 officer to possess a firearm in the course and scope of the  
22 individual's duties is required to apply for a security officer  
23 commission for the individual under this chapter, the security  
24 department of a private business is not required to apply [~~to the~~  
25 ~~board~~] for any license under this chapter.

26 SECTION 5.097. Section 1702.331(b), Occupations Code, is  
27 amended to read as follows:

1 (b) This chapter does not apply to:

2 (1) an alarm systems company that sells, installs,  
3 services, monitors, or responds to only personal emergency response  
4 systems;

5 (2) an alarm systems installer who installs,  
6 maintains, or repairs only personal emergency response systems; and

7 ~~(3) [a manager or branch office manager of an alarm  
8 systems company described by Subdivision (1)];~~

9 ~~[(4) a security salesperson who is employed by an  
10 alarm systems company described by Subdivision (1) to sell services  
11 offered by the company; and~~

12 ~~[(5)] an owner[, officer, partner, or shareholder] of  
13 an alarm systems company described by Subdivision (1).~~

14 SECTION 5.098. Sections [1702.332\(c\)](#) and (d), Occupations  
15 Code, are amended to read as follows:

16 (c) To qualify for the exemption provided by Subsection (b),  
17 a telematics service provider shall~~+~~

18 ~~[(1)]~~ establish business practices and procedures  
19 that are at least as stringent as the guidelines established by the  
20 Association of Public Safety Communications Officials  
21 International regarding the communication of information from  
22 telematics service providers to public safety agencies~~+, and~~

23 ~~[(2) pay an annual fee of \$2,500 to the department].~~

24 (d) The commission ~~[department]~~ may adopt rules necessary  
25 to carry out the purposes of this section, including rules to  
26 determine whether a telematics service provider is complying with  
27 Subsection (c).

1 SECTION 5.099. Section 1702.361, Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.361. DENIAL AND DISCIPLINARY ACTIONS; GROUNDS.

4 (a) The commission [~~department~~], for conduct described by  
5 Subsection (b), may:

6 (1) deny an application or revoke, suspend, or refuse  
7 to renew a license[~~, registration, endorsement,~~] or security  
8 officer commission;

9 (2) reprimand a license holder[~~, registrant,~~] or  
10 commissioned security officer; or

11 (3) place on probation a person whose license[~~,  
12 registration, endorsement,~~] or security officer commission has  
13 been suspended.

14 (b) The commission [~~department~~] shall take disciplinary  
15 action described by Subsection (a) on proof:

16 (1) that the applicant, license holder, [~~manager or~~]  
17 majority owner of a license holder, [~~registrant, endorsement  
18 holder,~~] or commissioned security officer has:

19 (A) violated this chapter or a rule adopted under  
20 this chapter;

21 (B) become ineligible for licensure[~~,  
22 registration, or endorsement under Section 1702.113,~~] or a security  
23 officer commission under Section 1702.163, if applicable, other  
24 than an action for which the department has taken summary action  
25 under Section 1702.364;

26 (C) engaged in fraud, deceit, or  
27 misrepresentation;

1 (D) made a material misstatement in an  
2 application for or renewal of a license[, ~~registration,~~  
3 ~~endorsement,~~] or commission;

4 (E) failed to pay in full an administrative  
5 penalty assessed under Subchapter R, Chapter 411, Government Code  
6 [Q], for which the commission [~~board~~] has issued a final order; or

7 (F) performed any service for which an individual  
8 license [~~endorsement~~] is required under this chapter and either:

9 (i) was not employed with a company  
10 licensed under this chapter at the time the service was performed;  
11 or

12 (ii) performed the service for a company  
13 licensed under this chapter that was not listed on the individual's  
14 individual license [~~registration~~] without informing the department  
15 [~~board~~] of the individual's employment with the company within a  
16 reasonable period; or

17 [~~(C) failed to qualify a new manager within the~~  
18 ~~time required by board rule following the termination of a manager,~~  
19 ~~or]~~

20 (2) that the company license holder employing an  
21 individual license holder [~~of a registrant~~] or commissioned  
22 security officer has submitted to the department sufficient  
23 evidence that the individual license holder [~~registrant~~] or  
24 commissioned security officer:

25 (A) engaged in fraud or deceit while employed by  
26 the company license holder; or

27 (B) committed theft while performing work as an



1 individual license holder [~~a registrant~~] or commissioned security  
2 officer.

3 (c) The commission [~~department~~] may place on probation a  
4 person whose license is suspended. If a person's suspension of a  
5 license is probated, the commission [~~department~~] may require the  
6 person:

7 (1) to report regularly to the department on matters  
8 that are the basis of the suspension;

9 (2) to limit practice to the areas prescribed by the  
10 commission [~~department~~]; or

11 (3) to continue or review professional education until  
12 the person attains a degree of skill satisfactory to the commission  
13 [~~department~~] in those areas that are the basis of the probation.

14 (d) The commission [~~department~~] may revoke a license[  
15 ~~certificate, registration, endorsement,~~] or security officer  
16 commission if the person holding that credential under this chapter  
17 submits payment of a fee or penalty that is returned for  
18 insufficient funds and the person has received notice and an  
19 opportunity to provide payment in full.

20 SECTION 5.100. Section [1702.363](#), Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.363. APPLICATION OF ADMINISTRATIVE PROCEDURE  
23 ACT. Except as provided by Section [~~Sections [1702.3615\(b\)](#) and~~  
24 [1702.364](#), a person regulated under this chapter against whom the  
25 commission [~~board~~] has taken action is entitled to a hearing before  
26 the State Office of Administrative Hearings. A proceeding under  
27 this section is a contested case that is governed by Chapter [2001](#),

1 Government Code.

2 SECTION 5.101. Sections 1702.364(a), (b), (c), (d), (e),  
3 and (f), Occupations Code, are amended to read as follows:

4 (a) On receiving written notice from a law enforcement  
5 agency that a person has been charged with or convicted of an  
6 offense that would make the person ineligible for a license[  
7 ~~certificate of registration, endorsement,~~] or security officer  
8 commission under Section 1702.113 or 1702.163, or a rule adopted  
9 under Section 1702.004(b), the commission [~~department~~] shall:

10 (1) summarily deny the person's application for a  
11 license[~~, registration, endorsement,~~] or security officer  
12 commission;

13 (2) in the event of pending charges, summarily suspend  
14 the person's license[~~, certificate of registration, endorsement,~~]  
15 or security officer commission; or

16 (3) in the event of a conviction, summarily revoke the  
17 person's license[~~, certificate of registration, endorsement,~~] or  
18 security officer commission.

19 (b) To initiate a proceeding to take action under Subsection  
20 (a), the department must serve notice to the person. The notice  
21 must:

22 (1) inform the person of the person's right to a  
23 [~~preliminary~~] hearing before the department or the department's  
24 designee;

25 (2) state the basis for the summary action; and

26 (3) be personally served on the person or the person's  
27 authorized representative, or sent to the person by certified or

1 registered mail, return receipt requested, to the person's mailing  
2 address as it appears in the department's records.

3 (c) The action is effective at the time notice is served.  
4 The person shall immediately surrender to the department any  
5 ~~[certificate of registration,~~ security officer commission, pocket  
6 card, or other form of identification issued by the department.

7 (d) At a ~~[preliminary]~~ hearing under this section, the  
8 person must show cause why:

9 (1) the application should not have been denied;

10 (2) the ~~[registration,~~ license~~, endorsement,~~ or  
11 security officer commission should not have been suspended; or

12 (3) the ~~[registration,~~ license~~, endorsement,~~ or  
13 commission should not have been revoked.

14 (e) Chapter 2001, Government Code, applies ~~[does not apply]~~  
15 to a proceeding under this section for the summary denial of an  
16 application for or the summary suspension or revocation of a  
17 license or security officer commission ~~[the department's initial~~  
18 ~~action under this section or to a preliminary hearing before the~~  
19 ~~department under this section]~~.

20 (f) The dismissal of a complaint, information, or  
21 indictment or an acquittal releases the person from automatic  
22 grounds for a summary denial of an application or summary  
23 suspension of a license or ~~[registration, endorsement, or]~~ security  
24 officer commission under this section. A conviction for the  
25 offense giving rise to a summary suspension is automatic grounds  
26 for immediate, summary revocation.

27 SECTION 5.102. Section 1702.365, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.365. ABDUCTION OF CHILD. The commission [~~board~~]  
3 shall revoke a person's license[~~, registration, endorsement,~~] or  
4 security officer commission or deny a person's application for, or  
5 renewal of, a license[~~, registration, endorsement,~~] or security  
6 officer commission on proof that the person or an agent of the  
7 person has, after the date of application for a license[~~,  
8 registration, endorsement,~~] or security officer commission,  
9 abducted or attempted to abduct by force or the threat of force or  
10 by misrepresentation, stealth, or unlawful entry a child who at the  
11 time of the abduction or attempt is under the care and control of a  
12 person who:

13           (1) has custody or physical possession of the child  
14 under a court order; or

15           (2) is exercising the care and control with the  
16 consent of a person who has custody or physical possession of the  
17 child under a court order.

18           SECTION 5.103. Sections [1702.367](#)(a), (c), (d), and (e),  
19 Occupations Code, are amended to read as follows:

20           (a) For an investigation conducted under this chapter, if  
21 necessary to enforce this chapter or the commission [~~board's~~] rules  
22 adopted under this chapter, the department may issue an  
23 administrative subpoena to any person in this state compelling:

24           (1) the production of information or documents; or

25           (2) the attendance and testimony of a witness.

26           (c) A person required to testify or to produce a record or  
27 document on any matter properly under inquiry by the department

1 ~~[board]~~ who refuses to testify or to produce the record or document  
2 on the ground that the testimony or the production of the record or  
3 document would incriminate or tend to incriminate the person is  
4 nonetheless required to testify or to produce the record or  
5 document. A person who is required to testify or to produce a  
6 record or document under this subsection is not subject to  
7 indictment or prosecution for a transaction, matter, or thing  
8 concerning which the person truthfully testifies or produces  
9 evidence.

10 (d) If a witness refuses to obey a subpoena or to give  
11 evidence relevant to proper inquiry by the department ~~[board]~~, the  
12 department ~~[board]~~ may petition a district court of the county in  
13 which the hearing is held to compel the witness to obey the subpoena  
14 or to give the evidence. The court shall immediately issue process  
15 to the witness and shall hold a hearing on the petition as soon as  
16 possible.

17 (e) An investigator employed by the department ~~[board]~~ may  
18 take statements under oath in an investigation of a matter covered  
19 by this chapter.

20 SECTION 5.104. Section [1702.368](#), Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN  
23 OFFENSES. The department shall notify the ~~[board and the]~~ police  
24 department of the municipality and the sheriff's department of the  
25 county in which a person licensed~~[, registered,]~~ or commissioned  
26 under this chapter resides of the conviction of the person for a  
27 Class B misdemeanor or equivalent offense or a greater offense.

1 SECTION 5.105. Section 1702.372, Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.372. RECUSAL OF COMMISSION [~~BOARD~~] MEMBER.

4 (a) A commission [~~board~~] member who participated in the  
5 investigation of a complaint of a violation of this chapter or in  
6 informal settlement negotiations regarding the complaint:

7 (1) may not vote on the matter at a commission [~~board~~]  
8 meeting related to the complaint; and

9 (2) shall state at the meeting the reason for which the  
10 member is prohibited from voting on the matter.

11 (b) A statement under Subsection (a)(2) shall be entered  
12 into the minutes of the meeting.

13 SECTION 5.106. Section 1702.381(b), Occupations Code, is  
14 amended to read as follows:

15 (b) A person who contracts with or employs a person who is  
16 required to hold a license[~~, registration, endorsement,~~] or  
17 security officer commission under this chapter knowing that the  
18 person does not hold the required license[~~, registration,~~  
19 ~~endorsement,~~] or commission or who otherwise, at the time of  
20 contract or employment, is in violation of this chapter may be  
21 assessed a civil penalty to be paid to the state in an amount not to  
22 exceed \$10,000 for each violation.

23 SECTION 5.107. Section 1702.386(a), Occupations Code, is  
24 amended to read as follows:

25 (a) A person commits an offense if the person contracts with  
26 or employs a person who is required to hold a license[~~,~~  
27 ~~registration, endorsement,~~] or commission under this chapter

1 knowing that the person does not hold the required license[~~7~~  
2 ~~registration, endorsement,~~] or commission or who otherwise, at the  
3 time of contract or employment, is in violation of this chapter.

4 SECTION 5.108. Section 1702.3863(a), Occupations Code, is  
5 amended to read as follows:

6 (a) A person commits an offense if the person contracts with  
7 or is employed by a bail bond surety as defined by Chapter 1704 to  
8 secure the appearance of a person who has violated Section 38.10,  
9 Penal Code, unless the person is:

10 (1) a peace officer;

11 (2) an individual [~~endorsed or~~] licensed as a private  
12 investigator [~~or the manager of a licensed investigations company~~];  
13 or

14 (3) a commissioned security officer employed by a  
15 licensed guard company.

16 SECTION 5.109. Section 1702.387(a), Occupations Code, is  
17 amended to read as follows:

18 (a) A person commits an offense if the person fails to  
19 surrender or immediately return to the department [~~board~~] the  
20 person's [~~registration,~~] commission, pocket card, or other  
21 identification issued to the person by the department under this  
22 chapter [~~board~~] on notification of a summary suspension or summary  
23 denial under Section 1702.364.

24 SECTION 5.110. Section 1702.3875(a), Occupations Code, is  
25 amended to read as follows:

26 (a) A person commits an offense if the person:

27 (1) impersonates a commissioned or noncommissioned

1 security officer with the intent to induce another to submit to the  
2 person's pretended authority or to rely on the person's pretended  
3 acts of a security officer; or

4 (2) knowingly purports to exercise any function that  
5 requires licensure [~~registration~~] as a noncommissioned security  
6 officer or a security officer commission.

7 SECTION 5.111. Section 1702.388(b), Occupations Code, is  
8 amended to read as follows:

9 (b) An offense under this section is a Class A misdemeanor,  
10 except that the offense is a felony of the third degree if the  
11 person has previously been convicted under this chapter of failing  
12 to hold a license, [~~registration, endorsement,~~] certificate of  
13 insurance, or commission that the person is required to hold under  
14 this chapter.

15 SECTION 5.112. Section 411.042(b), Government Code, is  
16 amended to read as follows:

17 (b) The bureau of identification and records shall:

18 (1) procure and file for record photographs, pictures,  
19 descriptions, fingerprints, measurements, and other pertinent  
20 information of all persons arrested for or charged with a criminal  
21 offense or convicted of a criminal offense, regardless of whether  
22 the conviction is probated;

23 (2) collect information concerning the number and  
24 nature of offenses reported or known to have been committed in the  
25 state and the legal steps taken in connection with the offenses, and  
26 other information useful in the study of crime and the  
27 administration of justice, including information that enables the



1 bureau to create a statistical breakdown of:

2 (A) offenses in which family violence was  
3 involved;

4 (B) offenses under Sections 22.011 and 22.021,  
5 Penal Code; and

6 (C) offenses under Sections 20A.02, 43.02(a),  
7 43.02(b), 43.03, and 43.05, Penal Code;

8 (3) make ballistic tests of bullets and firearms and  
9 chemical analyses of bloodstains, cloth, materials, and other  
10 substances for law enforcement officers of the state;

11 (4) cooperate with identification and crime records  
12 bureaus in other states and the United States Department of  
13 Justice;

14 (5) maintain a list of all previous background checks  
15 for applicants for any position regulated under Chapter 1702,  
16 Occupations Code, who have undergone a criminal history background  
17 check as required by that chapter [~~under Section 411.119~~], if the  
18 check indicates a Class B misdemeanor or equivalent offense or a  
19 greater offense;

20 (6) collect information concerning the number and  
21 nature of protective orders and magistrate's orders of emergency  
22 protection and all other pertinent information about all persons  
23 subject to active orders, including pertinent information about  
24 persons subject to conditions of bond imposed for the protection of  
25 the victim in any family violence, sexual assault or abuse,  
26 stalking, or trafficking case. Information in the law enforcement  
27 information system relating to an active order shall include:

1           (A) the name, sex, race, date of birth, personal  
2 descriptors, address, and county of residence of the person to whom  
3 the order is directed;

4           (B) any known identifying number of the person to  
5 whom the order is directed, including the person's social security  
6 number or driver's license number;

7           (C) the name and county of residence of the  
8 person protected by the order;

9           (D) the residence address and place of employment  
10 or business of the person protected by the order, unless that  
11 information is excluded from the order under Article 17.292(e),  
12 Code of Criminal Procedure;

13           (E) the child-care facility or school where a  
14 child protected by the order normally resides or which the child  
15 normally attends, unless that information is excluded from the  
16 order under Article 17.292(e), Code of Criminal Procedure;

17           (F) the relationship or former relationship  
18 between the person who is protected by the order and the person to  
19 whom the order is directed;

20           (G) the conditions of bond imposed on the person  
21 to whom the order is directed, if any, for the protection of a  
22 victim in any family violence, sexual assault or abuse, stalking,  
23 or trafficking case;

24           (H) any minimum distance the person subject to  
25 the order is required to maintain from the protected places or  
26 persons; and

27           (I) the date the order expires;

1           (7) grant access to criminal history record  
2 information in the manner authorized under Subchapter F;

3           (8) collect and disseminate information regarding  
4 offenders with mental impairments in compliance with Chapter 614,  
5 Health and Safety Code; and

6           (9) record data and maintain a state database for a  
7 computerized criminal history record system and computerized  
8 juvenile justice information system that serves:

9           (A) as the record creation point for criminal  
10 history record information and juvenile justice information  
11 maintained by the state; and

12           (B) as the control terminal for the entry of  
13 records, in accordance with federal law and regulations, federal  
14 executive orders, and federal policy, into the federal database  
15 maintained by the Federal Bureau of Investigation.

16       SECTION 5.113. (a) Section 411.119, Government Code, is  
17 repealed.

18       (b) The following provisions of the Occupations Code are  
19 repealed:

20           (1) Section 1702.002(1-b);

21           (2) Section 1702.002(3);

22           (3) Section 1702.002(6-b);

23           (4) Section 1702.002(11);

24           (5) Section 1702.002(12);

25           (6) Section 1702.002(13);

26           (7) Section 1702.002(14);

27           (8) Section 1702.002(19);

- 1 (9) Section 1702.002(20);
- 2 (10) Section 1702.027(c);
- 3 (11) Section 1702.028;
- 4 (12) Section 1702.030;
- 5 (13) Section 1702.043;
- 6 (14) Section 1702.047;
- 7 (15) Section 1702.0611;
- 8 (16) Section 1702.0612;
- 9 (17) Section 1702.066;
- 10 (18) Section 1702.081;
- 11 (19) Section 1702.082;
- 12 (20) Section 1702.083;
- 13 (21) Section 1702.1045;
- 14 (22) Section 1702.109;
- 15 (23) Section 1702.111;
- 16 (24) Section 1702.113(d);
- 17 (25) Section 1702.116;
- 18 (26) Section 1702.119;
- 19 (27) Section 1702.120;
- 20 (28) Section 1702.121;
- 21 (29) Section 1702.183;
- 22 (30) Section 1702.225;
- 23 (31) Section 1702.227;
- 24 (32) Section 1702.228;
- 25 (33) Sections 1702.301(a), (d), (e), (f), and (g);
- 26 (34) Section 1702.304;
- 27 (35) Section 1702.307;

- 1 (36) Section 1702.3615;
- 2 (37) Section 1702.362;
- 3 (38) Sections 1702.364(g), (h), and (i);
- 4 (39) Section 1702.371;
- 5 (40) Section 1702.385; and
- 6 (41) Subchapter Q, Chapter 1702.

7 SECTION 5.114. (a) On September 1, 2019, the terms of the  
8 members serving on the Texas Private Security Board expire and the  
9 Texas Private Security Board is abolished.

10 (b) As soon as practicable after the effective date of this  
11 Act, the Public Safety Commission shall appoint members to the  
12 Texas Private Security Advisory Committee in accordance with  
13 Section 1702.021, Occupations Code, as amended by this Act. A board  
14 member whose term expired under Subsection (a) of this section is  
15 eligible for reappointment to the advisory committee.

16 (c) The members of the Texas Private Security Board whose  
17 terms expire under Subsection (a) of this section shall continue to  
18 provide advice to the Department of Public Safety until a majority  
19 of the members of the Texas Private Security Advisory Committee are  
20 appointed under Subsection (b) of this section and qualified.

21 SECTION 5.115. (a) In this section:

- 22 (1) "Commission" means the Public Safety Commission.
- 23 (2) "Department" means the Department of Public  
24 Safety.
- 25 (3) "Former board" means the Texas Private Security  
26 Board.

27 (b) On September 1, 2019:

1           (1) all functions and activities performed by the  
2 former board immediately before that date are transferred to the  
3 department;

4           (2) all rules, fees, policies, procedures, decisions,  
5 and forms adopted by the former board are continued in effect as  
6 rules, fees, policies, procedures, decisions, and forms of the  
7 commission or the department, as applicable, and remain in effect  
8 until amended or replaced by the commission or department;

9           (3) a complaint, investigation, contested case, or  
10 other proceeding before the former board that is pending on  
11 September 1, 2019, is transferred without change in status to the  
12 department or the commission, as appropriate;

13           (4) all money, contracts, leases, property, and  
14 obligations of the former board are transferred to the department;

15           (5) all property in the custody of the former board is  
16 transferred to the department; and

17           (6) the unexpended and unobligated balance of any  
18 money appropriated by the legislature for the former board is  
19 transferred to the department.

20           (c) The former board shall provide the department with  
21 access to any systems or information necessary for the department  
22 to accept the program transferred under this Act.

23           (d) A license, certificate, or other authorization issued  
24 by the former board is continued in effect as a license,  
25 certificate, or other authorization of the department.

26           SECTION 5.116. On September 1, 2019, the following expire:

27           (1) any license, registration, endorsement, or other

1 authorization required to operate as a guard dog company or trainer  
2 of a dog used to protect persons or property or to conduct  
3 investigations, as described by Chapter 1702, Occupations Code, as  
4 that chapter existed immediately before the effective date of this  
5 Act; and

6 (2) any license, registration, endorsement, or other  
7 authorization required to operate as a security salesperson,  
8 private security consultant, or private security consulting  
9 company, as described by Chapter 1702, Occupations Code, as that  
10 chapter existed immediately before the effective date of this Act.

11 SECTION 5.117. As soon as practicable after the effective  
12 date of this Act, the Public Safety Commission shall adopt rules  
13 necessary to implement the changes in law made by this Act to  
14 Chapter 1702, Occupations Code.

15 SECTION 5.118. The changes in law made by this Act amending  
16 Chapter 1702, Occupations Code, do not affect the validity of a  
17 disciplinary action or other proceeding that was initiated before  
18 the effective date of this Act and that is pending before a court or  
19 other governmental entity on the effective date of this Act.

20 SECTION 5.119. (a) A violation of Chapter 1702,  
21 Occupations Code, that is repealed or amended by this Act is  
22 governed by the law in effect when the violation was committed, and  
23 the former law is continued in effect for that purpose.

24 (b) For purposes of this section, a violation was committed  
25 before the effective date of this Act if any element of the  
26 violation occurred before that date.

ARTICLE 6. CONDITIONAL TRANSFER OF DRIVER'S LICENSE PROGRAMS FROM  
DEPARTMENT OF PUBLIC SAFETY TO DEPARTMENT OF MOTOR VEHICLES

SECTION 6.001. Sections 521.001(a)(1-a) and (2),  
Transportation Code, are amended to read as follows:

(1-a) "Department" means the Texas Department of Motor  
Vehicles [~~Public Safety~~].

(2) "Director" means the executive [~~public safety~~]  
director of the department.

SECTION 6.002. Section 521.001(c), Transportation Code, is  
amended to read as follows:

(c) The department by rule may define types of vehicles that  
are "motorcycles" for the purposes of this chapter, in addition to  
those defined under Subsection (a)(6-a), and [~~The Texas  
Department of Motor Vehicles by rule may define the types of  
vehicles that are "motorcycles"~~] for the purposes of Chapters 501,  
502, and 503. This subsection applies only to vehicles  
manufactured by a manufacturer licensed under Chapter 2301,  
Occupations Code.

SECTION 6.003. Subchapter A, Chapter 521, Transportation  
Code, is amended by adding Section 521.0015 to read as follows:

Sec. 521.0015. STATUTORY REFERENCES. A statutory reference  
to the Department of Public Safety means the Texas Department of  
Motor Vehicles if the statutory reference concerns:

(1) the administration of the programs established by  
this chapter, Chapter 522, and other law that license a person to  
operate a motor vehicle, as defined by Section 501.002, or a  
commercial motor vehicle, as defined by Section 522.003, in this



1 state; or

2 (2) the administration of Chapter 521A.

3 SECTION 6.004. (a) In this section:

4 (1) "Former administrator" means the Department of  
5 Public Safety.

6 (2) "Licensing program" means:

7 (A) the programs established by Chapters 521 and  
8 522, Transportation Code, and other law, that license a person to  
9 operate in this state a motor vehicle, as defined by Section  
10 501.002, Transportation Code, or a commercial motor vehicle, as  
11 defined by Section 522.003, Transportation Code; and

12 (B) the program to issue election identification  
13 certificates under Chapter 521A, Transportation Code.

14 (3) "New administrator" means the Texas Department of  
15 Motor Vehicles.

16 (4) "Work group" means the work group established  
17 under Subsection (b) of this section.

18 (b) As soon as practicable after the effective date of this  
19 section, the former administrator and the new administrator shall  
20 establish a work group to plan the transfer of the licensing program  
21 from the former administrator to the new administrator.

22 (c) The work group shall:

23 (1) adopt a transition plan to provide for the orderly  
24 transfer of powers, duties, functions, programs, and activities  
25 related to the licensing program, including:

26 (A) a plan that ensures the transfer of the  
27 licensing program will be completed on or before August 31, 2021;

1 and

2 (B) completion dates for substantial phases of  
3 the licensing program's transfer;

4 (2) implement the transition plan described by  
5 Subdivision (1) of this subsection; and

6 (3) provide a quarterly report of the work group's  
7 progress in developing and implementing the transition plan  
8 described by Subdivision (1) of this subsection to:

9 (A) the presiding officer of each house of the  
10 legislature;

11 (B) the governor; and

12 (C) the Sunset Advisory Commission.

13 (d) To prepare for the transfer, the former administrator  
14 shall provide the new administrator with access to any systems,  
15 information, property, records, or personnel necessary for the new  
16 administrator to administer the licensing program transferred  
17 under this article.

18 (e) As soon as practicable after the effective date of this  
19 section:

20 (1) the new administrator shall study the most  
21 effective use of available state and county resources, including  
22 personnel, property, and resources potentially available through  
23 the adoption of intergovernmental agreements, to administer the  
24 licensing program, prioritizing:

25 (A) administrative efficiency and cost savings;

26 and

27 (B) accessibility of the licensing program for

1 the citizens of this state, including citizens residing in rural  
2 areas of this state; and

3 (2) the former administrator shall assist in the study  
4 described by Subdivision (1) of this subsection as requested by the  
5 new administrator.

6 (f) On September 1, 2021:

7 (1) all licensing program functions and activities  
8 performed by the former administrator immediately before that date  
9 are transferred to the new administrator;

10 (2) all licensing program rules, fees, policies,  
11 procedures, decisions, and forms adopted by the former  
12 administrator are continued in effect as rules, fees, policies,  
13 procedures, decisions, and forms of the new administrator and  
14 remain in effect until amended or replaced by the new  
15 administrator;

16 (3) a licensing program complaint, investigation,  
17 contested case, or other proceeding before the former administrator  
18 that is pending on September 1, 2021, is transferred without change  
19 in status to the new administrator;

20 (4) all licensing program money, contracts, leases,  
21 property, and obligations of the former administrator are  
22 transferred to the new administrator;

23 (5) all licensing program property in the custody of  
24 the former administrator is transferred to the new administrator;  
25 and

26 (6) the unexpended and unobligated balance of any  
27 money appropriated by the legislature to the former administrator

1 for the purpose of administering the licensing program is  
2 transferred to the new administrator.

3 (g) On September 1, 2021, a license, certificate,  
4 endorsement, or other form of authorization issued by the former  
5 administrator and related to the licensing program is continued in  
6 effect as a license, certificate, endorsement, or other form of  
7 authorization of the new administrator.

8 (h) On September 1, 2021, all full-time equivalent employee  
9 positions at the former administrator that primarily concern the  
10 administration or enforcement of the licensing program become  
11 positions at the new administrator.

12 SECTION 6.005. (a) In this section, "driver's license  
13 program" means:

14 (1) the programs established by Chapters 521 and 522,  
15 Transportation Code, and other law, that license a person to  
16 operate in this state a motor vehicle, as defined by Section  
17 501.002, Transportation Code, or a commercial motor vehicle, as  
18 defined by Section 522.003, Transportation Code; and

19 (2) the program to issue election identification  
20 certificates under Chapter 521A, Transportation Code.

21 (b) The Department of Public Safety shall enter into a  
22 contract with an independent, third-party contractor designated by  
23 the comptroller of public accounts to conduct a feasibility study  
24 that examines and makes recommendations on the management and  
25 operating structure of the driver's license program and the  
26 opportunities and challenges of transferring the driver's license  
27 program.

1 (c) Not later than September 1, 2020, the contractor  
2 described by Subsection (b) of this section shall submit a report on  
3 the study conducted under that subsection to the legislature, the  
4 governor, the Sunset Advisory Commission, the Department of Public  
5 Safety, and the Texas Department of Motor Vehicles.

6 (d) In conducting the study required by Subsection (b) of  
7 this section, the Department of Public Safety, the Texas Department  
8 of Motor Vehicles, or the independent, third-party contractor  
9 described by that subsection may not disclose any personal  
10 information obtained in conducting the study. In this subsection,  
11 "personal information" means information that identifies a holder  
12 of a driver's license or election identification certificate,  
13 including a name, address, date of birth, social security number,  
14 telephone number, physical characteristic, or similar identifier.

15 SECTION 6.006. (a) Subject to Subsection (b) of this  
16 section, this article takes effect immediately if this Act receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 article takes effect September 1, 2019.

21 (b) Sections 6.001, 6.002, 6.003, and 6.004 of this article  
22 take effect only if the report required by Section 6.005 of this  
23 article is not submitted within the period prescribed by that  
24 section.

25 ARTICLE 7. EXPIRATION DATES OF DRIVER'S LICENSES

26 SECTION 7.001. Section 521.271(a), Transportation Code, is  
27 amended to read as follows:

1           (a) Each original driver's license, provisional license,  
2 learner license, or occupational driver's license issued to an  
3 applicant who is a citizen, national, or legal permanent resident  
4 of the United States or a refugee or asylee lawfully admitted into  
5 the United States expires as follows:

6           (1) except as provided by Section 521.2711, a driver's  
7 license expires on the first birthday of the license holder  
8 occurring after the eighth [~~sixth~~] anniversary of the date of the  
9 application;

10           (2) a provisional license expires on the 18th birthday  
11 of the license holder;

12           (3) a learner license expires on the 18th birthday of  
13 the license holder;

14           (4) an occupational driver's license expires on the  
15 first anniversary of the court order granting the license; and

16           (5) unless an earlier date is otherwise provided, a  
17 driver's license issued to a person whose residence or domicile is a  
18 correctional facility or a parole facility expires on the first  
19 birthday of the license holder occurring after the first  
20 anniversary of the date of issuance.

21           SECTION 7.002. Section 521.421(a), Transportation Code, is  
22 amended to read as follows:

23           (a) The fee for issuance or renewal of a license not  
24 otherwise provided for by this section is \$32 [~~\$24~~].

25           SECTION 7.003. The changes in law made by this Act to  
26 Sections 521.271 and 521.421, Transportation Code, apply only to a  
27 driver's license issued or renewed on or after June 1, 2020. A

1 driver's license issued or renewed before June 1, 2020, is governed  
2 by the law in effect immediately before the effective date of this  
3 Act, and the former law is continued in effect for that purpose.

4 ARTICLE 8. MOTORCYCLE AND OFF-HIGHWAY VEHICLE OPERATOR TRAINING  
5 PROGRAMS

6 SECTION 8.001. Chapter 662, Transportation Code, is amended  
7 by adding Section 662.0005 to read as follows:

8 Sec. 662.0005. DEFINITIONS. In this chapter:

9 (1) "Commission" means the Texas Commission of  
10 Licensing and Regulation.

11 (2) "Department" means the Texas Department of  
12 Licensing and Regulation.

13 (3) "Institution of higher education" has the meaning  
14 assigned by Section 61.003, Education Code.

15 (4) "Instructor" means an individual who holds a  
16 license issued under this chapter that entitles the individual to  
17 provide instruction on motorcycle operation and safety as an  
18 employee of or under contract with a motorcycle school.

19 (5) "Motorcycle school" means a person who holds a  
20 license issued under this chapter that entitles the person to offer  
21 and conduct courses on motorcycle operation and safety for  
22 consideration as part of the motorcycle operator training and  
23 safety program.

24 SECTION 8.002. Section 662.001, Transportation Code, is  
25 amended to read as follows:

26 Sec. 662.001. ADMINISTRATION OF PROGRAM [~~DESIGNATED STATE~~  
27 ~~AGENCY~~]. The department [~~governor~~] shall [~~designate a state agency~~

1 ~~to establish and~~ administer a motorcycle operator training and  
2 safety program and enforce the laws governing the program.

3 SECTION 8.003. The heading to Section 662.002,  
4 Transportation Code, is amended to read as follows:

5 Sec. 662.002. PURPOSE OF PROGRAM [~~, CURRICULUM~~].

6 SECTION 8.004. Chapter 662, Transportation Code, is amended  
7 by adding Sections 662.0033, 662.0035, and 662.0037 to read as  
8 follows:

9 Sec. 662.0033. MINIMUM CURRICULUM STANDARDS. (a) The  
10 commission by rule shall establish minimum curriculum standards for  
11 courses provided under the motorcycle operator training and safety  
12 program.

13 (b) The department shall approve all courses that meet the  
14 curriculum standards established under Subsection (a).

15 (c) In establishing the minimum curriculum standards for  
16 entry-level courses, the commission shall consider the standards  
17 for motorcycle operator training and safety courses adopted by the  
18 National Highway Traffic Safety Administration.

19 Sec. 662.0035. FEES. The commission may set fees in amounts  
20 reasonable and necessary to cover the costs of administering this  
21 chapter, including fees for:

22 (1) the issuance and renewal of a motorcycle school  
23 license and instructor license; and

24 (2) courses provided under the motorcycle operator  
25 training and safety program.

26 Sec. 662.0037. MOTORCYCLE SAFETY ADVISORY BOARD. (a) The  
27 commission shall establish an advisory board to advise the



1 department on matters related to the motorcycle operator training  
2 and safety program established under this chapter.

3 (b) The advisory board must consist of nine members  
4 appointed by the presiding officer of the commission, on approval  
5 of the commission, as follows:

6 (1) three members:

7 (A) each of whom must be a licensed instructor or  
8 represent a licensed motorcycle school; and

9 (B) who must collectively represent the  
10 diversity in size and type of the motorcycle schools licensed under  
11 this chapter;

12 (2) one member who represents the motorcycle dealer  
13 retail industry;

14 (3) one representative of a law enforcement agency;

15 (4) one representative of the Texas A&M Transportation  
16 Institute;

17 (5) one representative of the Texas A&M Engineering  
18 Extension Service; and

19 (6) two public members who hold a valid Class M  
20 driver's license issued under Chapter 521.

21 (c) The advisory board members serve staggered six-year  
22 terms. The terms of three members expire September 1 of each  
23 odd-numbered year.

24 (d) If a vacancy occurs on the advisory board, the presiding  
25 officer of the commission, on approval of the commission, shall  
26 appoint a replacement who meets the qualifications for the vacant  
27 position to serve for the remainder of the term.

1       (e) The presiding officer of the commission, on approval of  
2 the commission, shall designate a member of the advisory board to  
3 serve as the presiding officer of the advisory board for a one-year  
4 term. The presiding officer of the advisory board may vote on any  
5 matter before the advisory board.

6       (f) The advisory board shall meet at the call of the  
7 executive director or the presiding officer of the commission.

8       (g) An advisory board member may not receive compensation  
9 for service on the advisory board but is entitled to reimbursement  
10 for actual and necessary expenses incurred in performing the  
11 functions as a member of the advisory board, subject to the General  
12 Appropriations Act.

13       (h) Chapter 2110, Government Code, does not apply to the  
14 advisory board.

15       (i) The department may call a joint meeting of the advisory  
16 board and the advisory committee established under Section  
17 1001.058, Education Code, for the committees to collaborate on  
18 matters determined by the department.

19       SECTION 8.005. Section 662.005, Transportation Code, is  
20 amended to read as follows:

21       Sec. 662.005. CONTRACTS. (a) The department [~~designated~~  
22 ~~state agency~~] may [~~license or~~] contract with qualified persons,  
23 including institutions of higher education, to:

24               (1) offer and conduct motorcycle operator training and  
25 safety courses under the [~~administer or operate the motorcycle~~  
26 ~~operator training and safety~~] program; or

27               (2) research motorcycle safety in this state.

1        (b) The department shall consult with the motorcycle safety  
2 advisory board regarding any proposed contract under this section.

3        SECTION 8.006. Section 662.006(a), Transportation Code, is  
4 amended to read as follows:

5        (a) A person may not offer or conduct training in motorcycle  
6 operation for consideration unless the person:

7            (1) is licensed as a motorcycle school under this  
8 chapter;

9            (2) offers and conducts training in accordance with a  
10 motorcycle operator training curriculum approved by the  
11 department; and

12            (3) employs or contracts with an instructor licensed  
13 under this chapter to conduct the training [~~by or contracts with the~~  
14 ~~designated state agency~~].

15        SECTION 8.007. Chapter 662, Transportation Code, is amended  
16 by adding Sections 662.0062, 662.0064, and 662.0068 to read as  
17 follows:

18        Sec. 662.0062. ELIGIBILITY; APPLICATION. (a) To be  
19 eligible for an instructor license, an applicant must:

20            (1) have completed a commission-approved training  
21 program on motorcycle operator training and safety instruction  
22 administered by the Texas A&M Engineering Extension Service;

23            (2) have held for the two years preceding the date of  
24 submitting the application a valid driver's license that entitles  
25 the applicant to operate a motorcycle on a public road; and

26            (3) have accumulated less than 10 points under the  
27 driver responsibility program established by Chapter 708.

1       (b) The commission by rule may adopt additional  
2 requirements for issuance of an instructor license.

3       (c) To be eligible for a motorcycle school license, an  
4 applicant must meet the minimum standards established by commission  
5 rule for:

6           (1) health and safety;

7           (2) the school's facility; and

8           (3) consumer protection.

9       (d) The department shall issue a license to an applicant who  
10 meets the eligibility requirements established under this chapter  
11 and department rule and who pays the required fee.

12       (e) The department may prescribe an application form for  
13 applicants to submit when applying for a license under this  
14 section.

15       Sec. 662.0064. INSTRUCTOR TRAINING; ADMINISTRATOR. The  
16 Texas A&M Engineering Extension Service, in consultation with the  
17 department, shall administer the training program required by  
18 Section 662.0062(a)(1).

19       Sec. 662.0068. PROGRAM CERTIFICATES. The department shall  
20 issue a certificate of completion to a person who completes a  
21 department-approved motorcycle operator training and safety course  
22 conducted by a motorcycle school on receipt of notice from the  
23 motorcycle school that conducted the course. The department may  
24 develop a process that allows a motorcycle school to issue a  
25 certificate of completion to the person.

26       SECTION 8.008. Section 662.008, Transportation Code, is  
27 amended to read as follows:

1           Sec. 662.008. DENIAL,           SUSPENSION,           OR           REVOCATION  
2 ~~[CANCELLATION]~~ OF INSTRUCTOR OR MOTORCYCLE SCHOOL LICENSE  
3 ~~[APPROVAL]~~. (a) The executive director or commission ~~[designated~~  
4 ~~state agency]~~ may deny an application for, suspend, or revoke a  
5 license issued ~~[cancel its approval for a program sponsor to~~  
6 ~~conduct or for an instructor to teach a course offered]~~ under this  
7 chapter if the applicant, instructor, or motorcycle school  
8 ~~[sponsor]~~:

9                   (1) does not satisfy the requirements established  
10 under this chapter to receive or retain the license ~~[approval]~~;

11                   (2) permits fraud or engages in a fraudulent practice  
12 with reference to an application for ~~[to]~~ the license ~~[agency]~~;

13                   (3) induces or countenances fraud or a fraudulent  
14 practice by a person applying for a driver's license or permit;

15                   (4) permits fraud or engages in a fraudulent practice  
16 in an action between the applicant or license holder and the public;  
17 or

18                   (5) fails to comply with this chapter or rules adopted  
19 under this chapter ~~[of the state agency]~~.

20           (b) Following denial of an application for a license or  
21 the~~[ ]~~ suspension~~[ ]~~ or revocation of a license issued under this  
22 chapter ~~[cancellation of the approval of a program sponsor or an~~  
23 ~~instructor]~~, notice and opportunity for a hearing must be given as  
24 provided by:

25                   (1) Chapter 2001, Government Code; and

26                   (2) Chapter 53, Occupations Code.

27           SECTION 8.009. Section 662.009, Transportation Code, is

1 amended to read as follows:

2       Sec. 662.009. RULES. The commission [~~designated state~~  
3 ~~agency~~] may adopt rules to administer this chapter.

4       SECTION 8.010. Section 662.010, Transportation Code, is  
5 amended to read as follows:

6       Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER LAW.  
7 Chapter 1001, Education Code [~~332, Acts of the 60th Legislature,~~  
8 ~~Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil~~  
9 ~~Statutes)~~], does not apply to training offered or conducted under  
10 this chapter.

11       SECTION 8.011. Section 662.011, Transportation Code, is  
12 amended by amending Subsection (b) and adding Subsection (d) to  
13 read as follows:

14       (b) Money deposited to the credit of the motorcycle  
15 education fund account may be used only to defray the cost of:

16           (1) administering the motorcycle operator training  
17 and safety program; [~~and~~]

18           (2) conducting the motorcyclist safety and share the  
19 road campaign described by Section 201.621; and

20           (3) administering the grant program under Section  
21 662.0115.

22       (d) The department may apply for and accept gifts, grants,  
23 and donations from any organization to be deposited in the  
24 motorcycle education fund account for the purpose of improving  
25 motorcycle safety in this state.

26       SECTION 8.012. Chapter 662, Transportation Code, is amended  
27 by adding Section 662.0115 to read as follows:

1       Sec. 662.0115. MOTORCYCLE SAFETY GRANT PROGRAM. (a) Using  
2 money from the motorcycle education fund account, the department  
3 may establish and administer a grant program to improve motorcycle  
4 safety in this state.

5       (b) The department may award a person a grant to:

6           (1) promote the motorcycle operator training and  
7 safety program or any other motorcycle safety program in this  
8 state;

9           (2) increase the number of individuals seeking  
10 motorcycle operator training or licensure as an instructor to  
11 conduct motorcycle operator training; or

12           (3) support any other goal reasonably likely to  
13 improve motorcycle safety in this state.

14       (c) To administer the grant program, the department shall  
15 prescribe:

16           (1) grant application procedures;

17           (2) guidelines relating to grant amounts; and

18           (3) criteria for evaluating grant applications.

19       (d) The department shall consult with the motorcycle safety  
20 advisory board regarding any proposed award of a grant under this  
21 section.

22       (e) An institution of higher education is eligible to  
23 receive a grant awarded under this section and, if applicable, may  
24 use the grant money awarded to perform a duty imposed under Section  
25 662.0064 or 662.013.

26       SECTION 8.013. Section 662.012, Transportation Code, is  
27 amended to read as follows:

1           Sec. 662.012. REPORTS. (a) The department [~~designated~~  
2 ~~state agency~~] shall require each motorcycle school [~~provider of a~~  
3 ~~motorcycle operator training and safety program~~] to report on the  
4 school's program in the form and manner prescribed by the  
5 department [~~compile and forward to the agency each month a report on~~  
6 ~~the provider's programs~~]. The report must include:

7                   (1) the number and types of courses provided in the  
8 reporting period;

9                   (2) the number of persons who took each course in the  
10 reporting period;

11                   (3) the number of instructors available to provide  
12 training under the school's [~~provider's~~] program in the reporting  
13 period;

14                   (4) information collected by surveying persons taking  
15 each course as to the length of any waiting period the person  
16 experienced before being able to enroll in the course;

17                   (5) the number of persons on a waiting list for a  
18 course at the end of the reporting period; and

19                   (6) any other information the department [~~agency~~]  
20 reasonably requires.

21           (b) The department [~~designated state agency~~] shall maintain  
22 [~~a compilation of~~] the reports submitted under Subsection (a) on a  
23 by-site basis. [~~The agency shall update the compilation as soon as~~  
24 ~~practicable after the beginning of each month.~~]

25           (c) The department [~~designated state agency~~] shall provide  
26 without charge a copy of the most recent reports submitted  
27 [~~compilation~~] under Subsection (a) [~~(b)~~] to any member of the



1 legislature on request.

2 SECTION 8.014. Chapter 662, Transportation Code, is amended  
3 by adding Section 662.013 to read as follows:

4 Sec. 662.013. RESEARCH, ADVOCACY, AND EDUCATION. The Texas  
5 A&M Transportation Institute, in consultation with the department,  
6 shall:

7 (1) research motorcycle safety in this state;

8 (2) provide advocacy on motorcycle safety issues in  
9 this state; and

10 (3) provide education to the public on motorcycle  
11 safety issues in this state.

12 SECTION 8.015. Section 663.001, Transportation Code, is  
13 amended by amending Subdivision (1-b) and adding Subdivisions (1-c)  
14 and (1-d) to read as follows:

15 (1-b) "Commission" means the Texas Commission of  
16 Licensing and Regulation.

17 (1-c) "Department" means the Texas Department of  
18 Licensing and Regulation.

19 (1-d) "Off-highway vehicle" means:

20 (A) an all-terrain vehicle or recreational  
21 off-highway vehicle, as those terms are defined by Section 502.001;  
22 or

23 (B) a utility vehicle.

24 SECTION 8.016. Section 663.011, Transportation Code, is  
25 amended to read as follows:

26 Sec. 663.011. ADMINISTRATION OF PROGRAM [~~DESIGNATED~~  
27 ~~DIVISION OR STATE AGENCY~~]. The department [~~governor~~] shall

1 ~~[designate a division of the governor's office or a state agency to~~  
2 ~~establish and]~~ administer an off-highway vehicle operator  
3 education and certification program and enforce the laws governing  
4 the program.

5 SECTION 8.017. Section 663.013, Transportation Code, is  
6 amended to read as follows:

7 Sec. 663.013. PROGRAM STANDARDS ~~[OFF-HIGHWAY VEHICLE~~  
8 ~~SAFETY COORDINATOR]~~. (a) The department ~~[designated division or~~  
9 ~~state agency shall employ an off-highway vehicle safety~~  
10 ~~coordinator.~~

11 ~~[(b) The coordinator]~~ shall supervise the off-highway  
12 vehicle operator education and certification program and shall  
13 determine:

- 14 (1) locations at which courses will be offered;
- 15 (2) fees for the courses;
- 16 (3) qualifications of instructors;
- 17 (4) course curriculum; and
- 18 (5) standards for operator safety certification.

19 (b) ~~[(c)]~~ In establishing standards for instructors,  
20 curriculum, and operator certification, the department  
21 ~~[coordinator]~~ shall consult and be guided by standards established  
22 by recognized off-highway vehicle safety organizations.

23 SECTION 8.018. Section 663.014, Transportation Code, is  
24 amended to read as follows:

25 Sec. 663.014. CONTRACTS. To administer the education  
26 program and certify off-highway vehicle operators, the department  
27 ~~[designated division or state agency]~~ may contract with nonprofit

1 safety organizations, nonprofit educational organizations,  
2 institutions of higher education, or agencies of local governments.

3 SECTION 8.019. Section 663.015(a), Transportation Code, is  
4 amended to read as follows:

5 (a) If the department [~~off-highway vehicle safety~~  
6 ~~coordinator~~] determines that vehicle operation is not feasible in a  
7 program component or at a particular program location, the operator  
8 education and certification program for persons who are at least 14  
9 years of age may use teaching or testing methods that do not involve  
10 the actual operation of an off-highway vehicle.

11 SECTION 8.020. Section 663.017, Transportation Code, is  
12 amended to read as follows:

13 Sec. 663.017. DENIAL, SUSPENSION, OR CANCELLATION OF  
14 APPROVAL. (a) The executive director or commission [~~designated~~  
15 ~~division or state agency~~] may deny, suspend, or cancel its approval  
16 for a program sponsor to conduct or for an instructor to teach a  
17 course offered under this chapter if the applicant, sponsor, or  
18 instructor:

19 (1) does not satisfy the requirements established  
20 under this chapter to receive or retain approval;

21 (2) permits fraud or engages in fraudulent practices  
22 with reference to an application to the department [~~division or~~  
23 ~~agency~~];

24 (3) induces or countenances fraud or fraudulent  
25 practices by a person applying for a driver's license or permit;

26 (4) permits or engages in a fraudulent practice in an  
27 action between the applicant or license holder and the public; or

1 (5) fails to comply with rules of the department  
2 [~~division or agency~~].

3 (b) Before the executive director or commission [~~designated~~  
4 ~~division or agency~~] may deny, suspend, or cancel the approval of a  
5 program sponsor or an instructor, notice and opportunity for a  
6 hearing must be given as provided by:

7 (1) Chapter 2001, Government Code; and

8 (2) Chapter 53, Occupations Code.

9 SECTION 8.021. Section 663.018, Transportation Code, is  
10 amended to read as follows:

11 Sec. 663.018. RULES. The commission [~~designated division~~  
12 ~~or state agency~~] may adopt rules to administer this chapter.

13 SECTION 8.022. Section 663.019, Transportation Code, is  
14 amended to read as follows:

15 Sec. 663.019. EXEMPTIONS. The commission [~~designated~~  
16 ~~division or state agency~~] by rule may temporarily exempt the  
17 residents of any county from Section 663.015 or from Section  
18 663.031(a)(1) until the appropriate education and certification  
19 program is established at a location that is reasonably accessible  
20 to the residents of that county.

21 SECTION 8.023. Section 663.033(d), Transportation Code, is  
22 amended to read as follows:

23 (d) The department or executive director [~~coordinator~~] may  
24 exempt off-highway vehicles that are participating in certain  
25 competitive events from the requirements of this section.

26 SECTION 8.024. Section 663.037(e), Transportation Code, is  
27 amended to read as follows:

1           (e) The commission [~~director of the Department of Public~~  
2 ~~Safety~~] shall adopt standards and specifications that apply to the  
3 color, size, and mounting position of the flag required under  
4 Subsections (d)(2) and (g)(2).

5           SECTION 8.025. Sections 662.002(b), 662.003, 662.004, and  
6 662.007, Transportation Code, are repealed.

7           SECTION 8.026. (a) In this section:

8                   (1) "Department" means the Department of Public  
9 Safety.

10                   (2) "Program" means the motorcycle operator training  
11 and safety program established under Chapter 662, Transportation  
12 Code, as that chapter existed before the effective date of this Act.

13           (b) As soon as practicable after the effective date of this  
14 article and not later than August 31, 2020, the department shall  
15 dispose of motorcycles and other equipment related to the program  
16 that the department possesses or has leased to entities offering  
17 training under the program. The plan must conform with the  
18 requirements of Subsection (c) of this section.

19           (c) The department shall dispose of the motorcycles and  
20 other equipment related to the program in the following manner:

21                   (1) not later than February 28, 2020, the department  
22 shall provide to any entity to whom the department leased a  
23 motorcycle or other equipment related to the program a reasonable  
24 period determined by the department to purchase from the department  
25 or return the motorcycle or other equipment;

26                   (2) after the expiration of the period described by  
27 Subdivision (1) of this subsection, but not later than May 31, 2020,

1 the department shall:

2 (A) determine the need of the Texas Department of  
3 Licensing and Regulation, the Texas A&M Transportation Institute,  
4 and the Texas A&M Engineering Extension Service for motorcycles and  
5 other equipment necessary to provide motorcycle operator training  
6 for the instructors under the program; and

7 (B) subject to the need determined under  
8 Paragraph (A) of this subdivision and the availability of  
9 motorcycles and other equipment related to the program, transfer  
10 the motorcycles and equipment to the Texas Department of Licensing  
11 and Regulation, institute, or service under that paragraph, as  
12 applicable; and

13 (3) after the determination and any transfer under  
14 Subdivision (2) of this subsection, but not later than August 31,  
15 2020, sell any remaining motorcycles and related equipment of the  
16 program in accordance with Chapter 2175, Government Code.

17 (d) Except for the fee described by Section 2175.188,  
18 Government Code, all revenue generated by the disposition of  
19 motorcycles and other equipment related to the program under this  
20 section shall be deposited in the motorcycle education fund account  
21 established under Section 662.011, Transportation Code.

22 (e) Not later than August 31, 2020, the department and the  
23 Texas Department of Licensing and Regulation shall enter into a  
24 memorandum of understanding regarding any property acquired by the  
25 department by lease or purchase using money from the motorcycle  
26 education fund account established under Section 662.011,  
27 Transportation Code, to ensure that the Department of Public Safety

1 appropriately compensates the fund for those assets.

2 SECTION 8.027. (a) In this section:

3 (1) "Former administrator" means the Texas Department  
4 of Public Safety.

5 (2) "Licensing commission" means the Texas Commission  
6 of Licensing and Regulation.

7 (3) "Licensing department" means the Texas Department  
8 of Licensing and Regulation.

9 (4) "Program" means the:

10 (A) motorcycle operator training and safety  
11 program under Chapter 662, Transportation Code; and

12 (B) off-highway vehicle operator education and  
13 certification program under Chapter 663, Transportation Code.

14 (b) On September 1, 2020:

15 (1) all functions and activities related to the  
16 program performed by the former administrator immediately before  
17 that date are transferred to the licensing department;

18 (2) all rules, fees, policies, procedures, decisions,  
19 and forms related to the program adopted by the former  
20 administrator are continued in effect as rules, fees, policies,  
21 procedures, decisions, and forms of the licensing commission or the  
22 licensing department, as applicable, and remain in effect until  
23 amended or replaced by the licensing commission or licensing  
24 department;

25 (3) a complaint, investigation, contested case, or  
26 other proceeding related to the program before the former  
27 administrator that is pending on September 1, 2020, is transferred

1 without change in status to the licensing department or the  
2 licensing commission, as appropriate;

3 (4) all money, contracts, leases, property, and  
4 obligations related to the program of the former administrator are  
5 transferred to the licensing department;

6 (5) all property related to the program in the custody  
7 of the former administrator is transferred to the licensing  
8 department; and

9 (6) the unexpended and unobligated balance of any  
10 money appropriated by the legislature for the former administrator  
11 for the purpose of administering the program is transferred to the  
12 licensing department.

13 (c) The former administrator shall provide the licensing  
14 department with access to any systems or information necessary for  
15 the department to accept the program transferred under this Act.

16 (d) A license or certificate issued by the former  
17 administrator is continued in effect as a license or certificate of  
18 the licensing department.

19 (e) On September 1, 2020, all full-time equivalent employee  
20 positions at the former administrator that primarily concern the  
21 administration or enforcement of the program become positions at  
22 the licensing department.

23 SECTION 8.028. (a) Except as provided by Subsection (b) of  
24 this section, this article takes effect September 1, 2020.

25 (b) Section 8.026 of this article takes effect immediately  
26 if this Act receives a vote of two-thirds of all the members elected  
27 to each house, as provided by Section 39, Article III, Texas



1 Constitution. If this Act does not receive the vote necessary for  
2 immediate effect, Section 8.026 takes effect on the 91st day after  
3 the last day of the legislative session.

4 ARTICLE 9. EFFECTIVE DATE

5 SECTION 9.001. Except as otherwise provided by this Act,  
6 this Act takes effect September 1, 2019.