

By: Birdwell, et al.
(Paddie)

S.B. No. 616

Substitute the following for S.B. No. 616:

By: Paul

C.S.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,
15 Chapter 551,

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

17 [~~(C) the~~] administrative procedure, 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. Except as otherwise provided
16 by this subchapter, this subchapter applies to a program, and
17 persons regulated under the program, administered by the department
18 under the following laws, including rules adopted 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) This
26 section does not apply to an administrative action against a person
27 who violates a law or rule governing the program administered by the

1 department under Chapter 1702, Occupations Code.

2 (b) Except as provided by Section 411.506(b), the
3 commission shall make the final determination in an administrative
4 action against a person for a violation of a law or rule governing a
5 program or person subject to this subchapter.

6 (c) The commission may not delegate the duty under
7 Subsection (b).

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

16 (b) The department shall make information available
17 describing its procedures for complaint investigation and
18 resolution.

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

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

25 (e) The commission shall adopt rules to:

26 (1) implement this section; and

27 (2) establish a procedure for the investigation and

1 resolution of complaints, including a procedure for documenting
2 complaints to the department from the time of the submission of the
3 initial complaint to the final disposition of the complaint.

4 Sec. 411.505. INVESTIGATIONS. The department may conduct
5 investigations as necessary to enforce a law or rule governing a
6 program or person subject to this subchapter.

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

13 (1) informal disposition of a contested case under
14 Section 2001.056; and

15 (2) an informal proceeding held in compliance with
16 Section 2001.054.

17 (b) Any settlement agreement arising from the procedures
18 described by Subsection (a) must be approved by the director or the
19 director's designee.

20 Sec. 411.507. LICENSE DENIAL; ADMINISTRATIVE SANCTION.

21 (a) This section applies to a person required to obtain a license
22 under a program subject to this subchapter.

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

27 (c) The commission may place on probation a person whose

1 license is suspended. If a license suspension is probated, the
2 commission may require the person to:

3 (1) report regularly to the department on matters that
4 are the basis of the probation;

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

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

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

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

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

21 (2) reprimand a license holder; or

22 (3) place a license holder on probation.

23 (b) Except as provided by Subchapter R, Chapter [1702](#),
24 Occupations Code, a proceeding to impose an administrative sanction
25 as described by Subsection (a) is a contested case under Chapter
26 [2001](#).

27 (c) Unless otherwise provided by law, judicial review of an

1 administrative sanction or penalty imposed by the commission is
2 under the substantial evidence rule as provided by Subchapter G,
3 Chapter 2001.

4 Sec. 411.509. CEASE AND DESIST ORDER. The department may
5 issue a cease and desist order if the department determines that the
6 action is necessary to prevent a violation of a law or rule
7 governing a program or person subject to this subchapter.

8 Sec. 411.510. INJUNCTIVE RELIEF. (a) On request of the
9 department, the attorney general shall institute an action for
10 injunctive relief to restrain a person in violation of or
11 threatening to violate a law or rule governing a program or person
12 subject to this subchapter.

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

15 (1) Travis County; or

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

18 (c) The attorney general may recover reasonable expenses
19 incurred in obtaining injunctive relief under this section,
20 including court costs, attorney's fees, investigative costs,
21 witness fees, and deposition expenses.

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

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

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

1 (c) For the year in which the expiration date of a license is
2 changed, the department shall prorate license fees on a monthly
3 basis so that each license holder pays only that portion of the
4 license fee that is allocable to the number of months during which
5 the license is valid. On renewal of the license on the new
6 expiration date, the total license renewal fee is payable.

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

12 (b) The report must include, as applicable, information
13 regarding:

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

15 (2) the number and types of complaints received and
16 resolved by the department;

17 (3) the number of investigations conducted by the
18 department; and

19 (4) the number and types of disciplinary actions taken
20 by the department.

21 SUBCHAPTER R. ADMINISTRATIVE PENALTY

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

24 Sec. 411.522. APPLICABILITY. (a) Except as provided by
25 Subsection (b), this subchapter applies to a program, and persons
26 regulated under the program, to which Section 411.502 applies.

27 (b) The procedures of this subchapter governing a

1 proceeding to impose an administrative penalty on a person who
2 violates a law or rule of the program administered by the department
3 under Chapter 1702, Occupations Code, apply to the extent the
4 procedures are consistent with Subchapter R, Chapter 1702,
5 Occupations Code.

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

8 (1) a law establishing a program subject to this
9 subchapter; or

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

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

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

20 (1) the seriousness of the violation;

21 (2) the respondent's history of previous violations;

22 (3) the amount necessary to deter a future violation;

23 (4) efforts made by the respondent to correct the
24 violation; and

25 (5) any other matter that justice may require.

26 (c) The commission shall establish a written enforcement
27 plan that provides notice to license holders of the specific ranges

1 of penalties that apply to specific alleged violations and the
2 criteria by which the department determines the amount of a
3 proposed administrative penalty.

4 Sec. 411.525. IMPOSITION OF SANCTION. A proceeding under
5 this subchapter imposing an administrative penalty may be combined
6 with a proceeding to impose an administrative sanction. If a
7 sanction is imposed in a proceeding under this subchapter, the
8 requirements of this subchapter apply to the imposition of the
9 sanction.

10 Sec. 411.526. NOTICE OF VIOLATION AND PENALTY. If, after
11 investigation of a possible violation and the facts surrounding the
12 possible violation, the department determines that a violation
13 occurred, the department shall issue to the respondent a notice of
14 alleged violation stating:

- 15 (1) a brief summary of the alleged violation;
16 (2) the amount of the recommended administrative
17 penalty; and
18 (3) that the respondent has the right to a hearing to
19 contest the alleged violation, the amount of the penalty, or both.

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

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

- 23 (1) accept the department's determination and
24 recommended administrative penalty; or
25 (2) make a written request for a hearing on that
26 determination.

27 (b) If the respondent accepts the department's

1 determination, the commission by order may approve the
2 determination and require the person to pay the recommended
3 penalty.

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

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

10 (c) A department hearing officer or an administrative law
11 judge at the State Office of Administrative Hearings, as
12 applicable, shall:

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

17 Sec. 411.529. DECISION BY COMMISSION. (a) Based on the
18 findings of fact, conclusions of law, and proposal for decision,
19 the commission by order may determine that:

20 (1) a violation occurred and impose an administrative
21 penalty; or

22 (2) a violation did not occur.

23 (b) The department shall give notice of the order to the
24 respondent.

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

- 26 (1) separate statements of the findings of fact and
27 conclusions of law;

1 (2) the amount of any penalty imposed;

2 (3) a statement of the right of the respondent to
3 judicial review of the order; and

4 (4) any other information required by law.

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

6 (a) Not later than the 30th day after the date the commission's
7 order becomes final, the respondent shall:

8 (1) pay the penalty; or

9 (2) file a petition for judicial review contesting the
10 order and:

11 (A) forward the penalty to the department for
12 deposit in an escrow account; or

13 (B) give the department a supersedeas bond in a
14 form approved by the department that:

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

16 (ii) is effective until judicial review of
17 the decision is final.

18 (b) A respondent who is financially unable to comply with
19 Subsection (a)(2) is entitled to judicial review if the respondent
20 files with the court, as part of the respondent's petition for
21 judicial review, a sworn statement that the respondent is unable to
22 meet the requirements of Subsection (a)(2).

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

27 Sec. 411.532. REMITTANCE OF PENALTY AND INTEREST. (a) If,

1 after judicial review, the administrative penalty is reduced or not
2 imposed, the department shall:

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

5 (2) execute a release of the bond, if the person posted
6 a supersedeas bond.

7 (b) The interest paid under Subsection (a)(1) is accrued at
8 the rate charged on loans to depository institutions by the New York
9 Federal Reserve Bank. The interest shall be paid for the period
10 beginning on the date the penalty is paid to the department and
11 ending on the date the penalty is remitted.

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

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

17 SECTION 3.003. Section 1956.151, Occupations Code, is
18 amended to read as follows:

19 Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.
20 The commission [~~department~~] shall deny an application for a
21 certificate of registration, suspend or revoke a certificate of
22 registration, or reprimand a person who is registered under this
23 chapter if the person:

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

26 (2) sells, barter, or offers to sell or barter a
27 certificate of registration;

1 (3) violates a provision of this chapter or a rule
2 adopted under this chapter; or

3 (4) violates Section 1956.021.

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

6 (a) The commission [~~department~~] may deny a person's
7 application for a certificate, revoke or suspend the certificate of
8 a person, inspection station, or inspector, place on probation a
9 person who holds a suspended certificate, or reprimand a person who
10 holds a certificate if:

11 (1) the station or inspector conducts an inspection,
12 fails to conduct an inspection, or issues a certificate:

13 (A) in violation of this chapter or a rule
14 adopted under this chapter; or

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

17 (2) the person, station, or inspector commits an
18 offense under this chapter or violates this chapter or a rule
19 adopted under this chapter;

20 (3) the applicant or certificate holder does not meet
21 the standards for certification under this chapter or a rule
22 adopted under this chapter;

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

26 (5) the certificate holder or the certificate holder's
27 agent, employee, or representative commits an act or omission that

1 would cause denial, revocation, or suspension of a certificate to
2 an individual applicant or certificate holder; or

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

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

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

8 [~~(B) similar crime under the jurisdiction of~~
9 ~~another state or the federal government that is punishable to the~~
10 ~~same extent as a felony or a Class A or Class B misdemeanor in this~~
11 ~~state; or~~

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

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

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

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

26 Sec. 548.4055. RULES REGARDING CRIMINAL CONVICTIONS. The
27 commission shall adopt rules necessary to comply with Chapter 53,

1 Occupations Code, with respect to the certification of persons
2 under this subchapter. The commission's rules must list the
3 specific offenses for each category of persons regulated under this
4 subchapter for which a conviction would constitute grounds for the
5 commission to take action under Section 53.021, Occupations Code.

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

8 (d) The commission [~~department~~] may provide that a
9 revocation or suspension takes effect on receipt of notice under
10 Subsection (b) if the commission [~~department~~] finds that the action
11 is necessary to prevent or remedy a threat to public health, safety,
12 or welfare. Violations that present a threat to public health,
13 safety, or welfare include:

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

18 (2) falsely or fraudulently representing to the owner
19 or operator of a vehicle that equipment inspected or required to be
20 inspected must be repaired, adjusted, or replaced for the vehicle
21 to pass an inspection;

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

24 (A) without authorization to issue the report or
25 submit the information; or

26 (B) without inspecting the vehicle;

27 (4) issuing a passing vehicle inspection report or

1 submitting inspection information to the department's database for
2 a vehicle with knowledge that the vehicle has not been repaired,
3 adjusted, or corrected after an inspection has shown a repair,
4 adjustment, or correction to be necessary;

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

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

10 (B) for a vehicle that is missing an item
11 required to be inspected or that has an item required to be
12 inspected that is not in compliance with state law or department
13 rules;

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

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

19 (8) a violation of Subchapter F;

20 (9) a violation of Section 548.603; or

21 (10) a conviction of a felony or a Class A or B
22 misdemeanor that directly relates to or affects the duties or
23 responsibilities of a vehicle inspection station or inspector or a
24 conviction of a similar crime under the jurisdiction of another
25 state or the federal government.

26 (e) The commission may adopt rules to implement this
27 section. [~~For purposes of Subsection (d)(10), a person is~~

1 ~~convicted of an offense if a court enters against the person an~~
2 ~~adjudication of the person's guilt, including an order of probation~~
3 ~~or deferred adjudication.]~~

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

6 Sec. 548.410. EXPIRATION OF CERTIFICATE. A certificate
7 issued to an inspector or an inspection station under this
8 subchapter expires as determined by the department under Section
9 411.511, Government Code, but not later than the second anniversary
10 of the date the certificate is issued.

11 SECTION 3.008. Section 548.506, Transportation Code, is
12 amended to read as follows:

13 Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR. (a) The
14 commission by rule shall establish reasonable and necessary fees
15 for certification as an inspector.

16 (b) The fees established under this section may not be less
17 than an amount equal to:

18 (1) [An applicant for certification as an inspector
19 must submit with the applicant's first application a fee of] \$25 for
20 initial certification until August 31 of the even-numbered year
21 following the date of certification; and

22 (2) [To be certified after August 31 of that year,
23 the applicant must pay] \$25 as a certificate fee for each subsequent
24 two-year period.

25 SECTION 3.009. Section 548.507, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION.

1 (a) The commission by rule shall establish reasonable and
2 necessary fees for certification as an inspection station.

3 (b) The fees established under this section may not be less
4 than:

5 (1) except [~~Except~~] as provided by Subdivision (2) or
6 (3):

7 (A) [~~Subsection (b) or (c), after an applicant~~
8 ~~for certification as an inspection station is notified that the~~
9 ~~application will be approved, the applicant must pay a fee of~~] \$100
10 for certification until August 31 of the odd-numbered year after
11 the date of appointment as an inspection station; and

12 (B) [~~To be certified after August 31 of that~~
13 ~~year, the applicant must pay a fee of~~] \$100 for certification for
14 each subsequent two-year period;

15 (2) if [~~(b) If~~] an applicant for certification as an
16 inspection station has been convicted of a violation of this
17 chapter relating to an emissions inspection under Subchapter F:

18 (A) [~~after notification that the application~~
19 ~~will be approved, the applicant must pay a fee of~~] \$500 for
20 certification until August 31 of the odd-numbered year after the
21 date of appointment as an inspection station; and

22 (B) [~~To be certified after August 31 of that~~
23 ~~year, the applicant must pay a fee of~~] \$100 for certification for
24 each subsequent two-year period; and

25 (3) if [~~(c) If~~] an applicant for certification as
26 an inspection station has been convicted of two or more violations
27 of this chapter relating to an emissions inspection under

1 Subchapter F:

2 (A) [~~, after notification that the application~~
3 ~~will be approved, the applicant must pay a fee of~~] \$1,500 for
4 certification until August 31 of the odd-numbered year after the
5 date of appointment as an inspection station; and

6 (B) [~~. To be certified after August 31 of that~~
7 ~~year, the applicant must pay a fee of~~] \$100 for certification for
8 each subsequent two-year period.

9 SECTION 3.010. The following provisions are repealed:

10 (1) Sections 1956.014(b) and (c), Occupations Code;

11 (2) Sections 1956.041(b-2), (c), (d), (e), and (f),
12 Occupations Code;

13 (3) Section 1956.152, Occupations Code;

14 (4) Sections 548.405(b), (h), and (i), Transportation
15 Code;

16 (5) Section 548.406, Transportation Code;

17 (6) Sections 548.407(f), (g), (h), (i), (j), (k), and
18 (l), Transportation Code; and

19 (7) Section 548.409, Transportation Code.

20 SECTION 3.011. As soon as practicable after the effective
21 date of this Act, the Public Safety Commission shall adopt rules
22 necessary to implement the changes in law made by this Act to
23 Chapter 411, Government Code, Chapter 1956, Occupations Code, and
24 Chapter 548, Transportation Code.

25 SECTION 3.012. Section 411.0891, Government Code, and
26 Sections 548.405 and 548.407, Transportation Code, as amended by
27 this Act, apply only to an application for the issuance or renewal

1 of a license submitted on or after the effective date of this Act.
2 An application for the issuance or renewal of a license submitted
3 before that date is governed by the law in effect on the date the
4 application was submitted, and the former law is continued in
5 effect for that purpose.

6 SECTION 3.013. Section 548.405(c), Transportation Code, as
7 amended by this Act, applies only to a person placed on probation on
8 or after the effective date of this Act. A person placed on
9 probation before the effective date of this Act is governed by the
10 law in effect on the date the person was placed on probation, and
11 the former law is continued in effect for that purpose.

12 SECTION 3.014. Section 1956.041, Occupations Code, and
13 Sections 548.405 and 548.407, Transportation Code, as amended by
14 this Act, apply only to a proceeding initiated on or after the
15 effective date of this Act. A proceeding initiated before the
16 effective date of this Act is governed by the law in effect on the
17 date the proceeding was initiated, and the former law is continued
18 in effect for that purpose.

19 ARTICLE 4. CERTAIN PROGRAMS REGULATING CONTROLLED SUBSTANCES,
20 PRECURSOR CHEMICALS, AND LABORATORY APPARATUSES

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

23 (c) This section does [~~and Section 481.078 do~~] not apply to
24 a person to whom a registration has been issued by the Federal Drug
25 Enforcement Agency or who is exempt from such registration.

26 (i) A manufacturer, wholesaler, retailer, or other person
27 who [~~receives from a source outside this state a chemical precursor~~

1 ~~subject to Subsection (a) or who]~~ discovers a loss or theft of a
2 chemical precursor subject to Subsection (a) shall:

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

5 (2) include in the report:

6 (A) any difference between the amount of the
7 chemical precursor actually received and the amount of the chemical
8 precursor shipped according to the shipping statement or invoice;
9 or

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

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

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

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

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

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

27 Sec. 481.080. CHEMICAL LABORATORY APPARATUS RECORD-KEEPING

1 REQUIREMENTS [~~AND PENALTIES~~].

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

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

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

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

13 (2) include in the report:

14 (A) any difference between the number of the
15 apparatus actually received and the number of the apparatus shipped
16 according to the shipping statement or invoice; or

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

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

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

27 (2) shall allow a member of the department or a peace

1 officer to conduct audits and inspect records of purchases and
2 sales and all other records made in accordance with this section at
3 any reasonable time; and

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

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

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

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

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

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

25 [~~2~~] does not comply with Section 481.077 or
26 481.0771;

27 (2) [~~3~~] knowingly makes a false statement in a

1 report or record required by Section 481.077 or [7] 481.0771 [~~7~~, ~~or~~
2 481.078]; or

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

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

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

10 (1) [~~does not have a chemical laboratory apparatus~~
11 ~~transfer permit as required by Section 481.081 at the time of the~~
12 ~~transaction,~~

13 [~~2~~] does not comply with Section 481.080;

14 (2) [~~3~~] knowingly makes a false statement in a
15 report or record required by Section 481.080 [~~or 481.081~~]; or

16 (3) [~~4~~] knowingly violates a rule adopted under
17 Section 481.080 [~~or 481.081~~].

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

20 Sec. 481.301. IMPOSITION OF PENALTY. The department may
21 impose an administrative penalty on a person who violates Section
22 481.067, 481.077, 481.0771, or [~~481.078,~~] 481.080 [~~7~~, ~~or~~ 481.081] or
23 a rule or order adopted under any of those sections.

24 SECTION 4.008. Section 487.053(b), Health and Safety Code,
25 is amended to read as follows:

26 (b) Subject to Section 411.503, Government Code, the [~~The~~]
27 department shall enforce compliance of licensees and registrants

1 and shall adopt procedures for suspending or revoking a license or
2 registration issued under this chapter and for renewing a license
3 or registration issued under this chapter.

4 SECTION 4.009. Sections [487.104](#)(b) and (c), Health and
5 Safety Code, are amended to read as follows:

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

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

16 SECTION 4.010. Section [487.105](#)(c), Health and Safety Code,
17 is amended to read as follows:

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

21 (1) require each individual whose name is provided to
22 the department under Subsection (a) or (b) [~~determine the manner by~~
23 ~~which an individual is required~~] to submit a complete set of
24 fingerprints to the department on a form prescribed by the
25 department for purposes of a criminal history background check
26 under this section; and

27 (2) establish criteria for determining whether an

1 individual passes the criminal history background check for the
2 purposes of this section.

3 SECTION 4.011. The following provisions of the Health and
4 Safety Code are repealed:

- 5 (1) Sections 481.077(e), (f), (g), and (h);
- 6 (2) Section 481.078;
- 7 (3) Sections 481.080(f), (g), (h), and (i); and
- 8 (4) Section 481.081.

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

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

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

25 ARTICLE 5. PRIVATE SECURITY

26 SECTION 5.001. Section 1702.002, Occupations Code, is
27 amended by amending Subdivisions (2), (5), (5-a), (17), and (21)

1 and adding Subdivisions (4), (5-b), (5-c), and (8-a) to read as
2 follows:

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

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

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

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

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

12 (5-a) "Committee" means the Texas Private Security
13 Advisory Committee established under this chapter.

14 (5-b) "Company license" means a license issued by the
15 department that entitles a person to operate as a security services
16 contractor or investigations company.

17 (5-c) "Department" means the Department of Public
18 Safety of the State of Texas.

19 (8-a) "Individual license" means a license issued by
20 the department that entitles an individual to perform a service
21 regulated by this chapter for a company license holder, including a
22 personal protection officer license.

23 (17) "Personal protection officer license
24 [~~endorsement~~]" means a license [~~permit~~] issued by the department
25 [~~board~~] that entitles an individual to act as a personal protection
26 officer.

27 (21) "Security officer commission" means an

1 authorization issued by the department [~~board~~] that entitles a
2 security officer to carry a firearm.

3 SECTION 5.002. Section 1702.004, Occupations Code, is
4 amended to read as follows:

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

8 (1) licenses investigations companies and security
9 services contractors;

10 (2) issues commissions to certain security officers;

11 (3) licenses [~~issues endorsements to~~] certain
12 security officers engaged in the personal protection of
13 individuals;

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

15 (A) certain individuals connected with a company
16 license holder; and

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

19 (5) regulates company license holders, security
20 officers, [~~registrants,~~] and individual license [~~endorsement~~]
21 holders under this chapter.

22 (b) The commission [~~board~~] shall adopt rules necessary to
23 comply with Chapter 53. In its rules under this section, the
24 commission [~~board~~] shall list the specific offenses for each
25 category of regulated persons for which a conviction would
26 constitute grounds for the department [~~board~~] to take action under
27 Section 53.021.

1 SECTION 5.003. Section 1702.005, Occupations Code, is
2 amended to read as follows:

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

4 (a) [~~The board created under Section 1702.021 is a part of the~~
5 ~~department.~~] The department shall administer this chapter [~~through~~
6 ~~the board~~].

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

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

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

13 SECTION 5.005. Section 1702.021, Occupations Code, is
14 amended to read as follows:

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

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

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

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

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

27 (5) one member who is licensed under this chapter as a

1 locksmith.

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

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

8 SECTION 5.006. Section 1702.023, Occupations Code, is
9 amended to read as follows:

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

14 (1) is registered, commissioned, certified, or
15 licensed by a regulatory agency in the field of private
16 investigations or private security;

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

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

24 (4) uses or receives a substantial amount of tangible
25 goods, services, or money from the department [~~board~~] other than
26 compensation or reimbursement authorized by law for committee
27 [~~board~~] membership, attendance, or expenses.

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

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

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

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

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

22 SECTION 5.008. Section 1702.025, Occupations Code, is
23 amended to read as follows:

24 Sec. 1702.025. TERMS; VACANCIES. (a) The committee
25 [~~board~~] members serve staggered six-year terms, with the terms of
26 two or three members expiring on January 31 of each odd-numbered
27 year.

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

4 SECTION 5.009. Section 1702.026, Occupations Code, is
5 amended to read as follows:

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

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

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

19 SECTION 5.010. Sections 1702.027(a) and (b), Occupations
20 Code, are amended to read as follows:

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

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

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

27 (3) is ineligible for membership under Section

1 1702.023 or 1702.024;

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

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

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

12 SECTION 5.011. Section 1702.029, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.029. MEETINGS. The committee [~~board~~] shall meet
15 at least quarterly [~~at regular intervals to be decided by the~~
16 ~~board~~].

17 SECTION 5.012. Subchapter B, Chapter 1702, Occupations
18 Code, is amended by adding Sections 1702.031 and 1702.032 to read as
19 follows:

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

24 Sec. 1702.032. COMMISSION LIAISON. The commission shall
25 designate a commission member to serve as a liaison to the
26 committee.

27 SECTION 5.013. Section 1702.041, Occupations Code, is

1 amended to read as follows:

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

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

10 SECTION 5.014. Section 1702.044, Occupations Code, is
11 amended to read as follows:

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

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

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

23 SECTION 5.016. Section 1702.061, Occupations Code, is
24 amended to read as follows:

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

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

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

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

9 **(c)** ~~[(d)]~~ The commission ~~[board]~~ has the powers and duties
10 to:

11 (1) determine the qualifications of company license
12 holders, individual license holders ~~[registrants, endorsement~~
13 ~~holders]~~, and commissioned security officers;

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

16 (3) adopt rules necessary to implement this chapter;
17 and

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

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

23 SECTION 5.017. Section **1702.062**, Occupations Code, is
24 amended to read as follows:

25 Sec. 1702.062. FEES. (a) The commission ~~[board]~~ by rule
26 shall establish reasonable and necessary fees that produce
27 sufficient revenue to administer this chapter. The fees may not

1 produce unnecessary fund balances.

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

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

13 SECTION 5.018. The heading to Section 1702.063, Occupations
14 Code, is amended to read as follows:

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

16 SECTION 5.019. Section 1702.0635, Occupations Code, is
17 amended to read as follows:

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

24 SECTION 5.020. Section 1702.064, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.064. RULES RESTRICTING ADVERTISING OR
27 COMPETITIVE BIDDING. (a) The commission [~~board~~] may not adopt

1 rules restricting advertising or competitive bidding by a person
2 regulated under this chapter [~~by the board~~] except to prohibit
3 false, misleading, or deceptive practices by the person.

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

7 (1) restricts the person's use of any medium for
8 advertising;

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

11 (3) relates to the size or duration of an
12 advertisement by the person; or

13 (4) restricts the person's advertisement under a trade
14 name.

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

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

20 (b) Rules adopted under this section may:

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

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

1 SECTION 5.022. Section 1702.067, Occupations Code, is
2 amended to read as follows:

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

8 SECTION 5.023. Section 1702.068, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.068. APPEAL BOND NOT REQUIRED. The department
11 ~~[board]~~ is not required to give an appeal bond in any cause arising
12 under this chapter.

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

15 SUBCHAPTER E. PUBLIC INTEREST INFORMATION ~~[AND COMPLAINT~~
16 ~~PROCEDURES]~~

17 SECTION 5.025. Section 1702.084, Occupations Code, is
18 amended to read as follows:

19 Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF
20 DISCIPLINARY ACTIONS. (a) The department ~~[board]~~ shall make
21 available to the public through a toll-free telephone number,
22 Internet website, or other easily accessible medium determined by
23 the department ~~[board]~~ the following information relating to a
24 disciplinary action taken during the preceding three years
25 regarding a person regulated under this chapter ~~[by the board]~~:

- 26 (1) the identity of the person;
27 (2) the nature of the complaint that was the basis of

1 the disciplinary action taken against the person; and

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

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

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

10 (d) The department [~~board~~] shall maintain the
11 confidentiality of information regarding the identification of a
12 complainant.

13 SECTION 5.026. Section 1702.085, Occupations Code, is
14 amended to read as follows:

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

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

24 (a) Unless the person holds a license as a security services
25 contractor, a person may not:

26 (1) act as an alarm systems company, armored car
27 company, courier company, guard company, or [~~guard-dog company,~~]

1 locksmith company [~~, or private security consultant company~~];

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

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

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

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

11 SECTION 5.029. Section 1702.103, Occupations Code, is
12 amended to read as follows:

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

15 (1) Class A: investigations company license, covering
16 operations of an investigations company;

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

19 (3) Class C: covering the operations included within
20 Class A and Class B;

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

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

23 [~~(6) Class P: private business letter of authority~~
24 ~~license,~~

25 [~~(7) Class X: government letter of authority license,~~
26 ~~and~~

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

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

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

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

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

18 SECTION 5.030. Section [1702.110](#), Occupations Code, is
19 amended to read as follows:

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

23 (1) the full name and business address of the
24 applicant;

25 (2) the name under which the applicant intends to do
26 business;

27 (3) a statement as to the general nature of the

1 business in which the applicant intends to engage;

2 (4) a statement as to the classification for which the
3 applicant requests qualification;

4 (5) if the applicant is an entity other than an
5 individual, the full name and residence address of each partner,
6 officer who oversees the security-related aspects of the business,
7 and director of the applicant [~~, and of the applicant's manager~~];

8 (6) if the applicant is an individual, the
9 fingerprints of the applicant or, if the applicant is an entity
10 other than an individual, of each officer who oversees the
11 security-related aspects of the business and of each partner or
12 shareholder who owns at least a 25 percent interest in the
13 applicant, provided in the manner prescribed by the department
14 [~~board~~];

15 (7) a verified statement of the applicant's experience
16 qualifications in the particular classification in which the
17 applicant is applying;

18 (8) a report from the department stating the
19 applicant's record of any convictions for a Class B misdemeanor or
20 equivalent offense or a greater offense;

21 (9) the social security number of the individual
22 making the application; and

23 (10) other information, evidence, statements, or
24 documents required by the department [~~board~~].

25 (b) An applicant for a company license as a security
26 services contractor shall maintain a physical address within this
27 state and provide that address to the department [~~board~~]. The

1 commission [~~board~~] shall adopt rules to enable an out-of-state
2 company license holder to comply with this subsection.

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

7 SECTION 5.031. Section 1702.112, Occupations Code, is
8 amended to read as follows:

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

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

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

22 Sec. 1702.113. GENERAL QUALIFICATIONS FOR COMPANY
23 LICENSE[~~, CERTIFICATE OF REGISTRATION,~~] OR SECURITY OFFICER
24 COMMISSION.

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

27 (a) An applicant for a company license[~~, certificate of~~

1 ~~registration, endorsement,~~] or security officer commission [~~or the~~
2 ~~applicant's manager~~] must be at least 18 years of age and must not:

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

7 (2) have been found by a court to be incompetent by
8 reason of a mental defect or disease and not have been restored to
9 competency;

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

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

19 SECTION 5.034. Section 1702.114, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR
22 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a company
23 license to engage in the business of an investigations company [~~or~~
24 ~~the applicant's manager~~] must have, before the date of the
25 application, three consecutive years' experience in the
26 investigative field as an employee [~~, manager,~~] or owner of an
27 investigations company or satisfy other requirements set by the

1 commission [~~board~~].

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

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

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

7 SECTION 5.035. Section 1702.115, Occupations Code, is
8 amended to read as follows:

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

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

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

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

23 SECTION 5.036. Section 1702.117, Occupations Code, is
24 amended to read as follows:

25 Sec. 1702.117. EXAMINATION. (a) The department [~~board~~]
26 shall require an applicant for a company license under this chapter
27 [~~or the applicant's manager~~] to demonstrate qualifications in the

1 person's company license classification, including knowledge of
2 applicable state laws and commission [~~board~~] rules, by taking an
3 examination to be determined by the commission [~~board~~].

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

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

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

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

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

21 (b) If an examination is graded or reviewed by a testing
22 service:

23 (1) the department [~~board~~] shall notify the person of
24 the examination results not later than the 14th day after the date
25 the department [~~board~~] receives the results from the testing
26 service; and

27 (2) if notice of the examination results will be

1 delayed for longer than 90 days after the examination date, the
2 department [~~board~~] shall notify the person of the reason for the
3 delay before the 90th day.

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

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

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

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

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

20 (c) The commission [~~board~~] shall adopt rules under which the
21 commission [~~board~~] may waive any prerequisite to obtaining a
22 company license for, and credit experience for a company license
23 requirement to, an individual who the commission [~~board~~] determines
24 has acceptable experience gained during service in a branch of the
25 United States armed forces, including the United States Coast
26 Guard.

27 SECTION 5.039. Section [1702.1186](#), Occupations Code, is

1 amended to read as follows:

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

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

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

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

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

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

25 (2) the provisional company license holder:

26 (A) passes the part of the examination under
27 Section [1702.117](#)(a) that relates to the applicant's knowledge and

1 understanding of the laws and rules relating to the practice of an
2 investigations company or security services contractor in this
3 state;

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

7 (C) satisfies any other licensing requirements
8 under this chapter.

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

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

18 SECTION 5.040. Section [1702.122](#), Occupations Code, is
19 amended to read as follows:

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

26 SECTION 5.041. Section [1702.123](#), Occupations Code, is
27 amended to read as follows:

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

5 (b) The commission [~~board~~] shall immediately suspend the
6 company license of a company license holder who violates Subsection
7 (a).

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

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

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

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

24 SECTION 5.042. Sections [1702.124](#)(a), (b), and (f),
25 Occupations Code, are amended to read as follows:

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

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

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

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

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

20 SECTION 5.043. Section 1702.125, Occupations Code, is
21 amended to read as follows:

22 Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed
23 with the department [~~board~~] under this chapter remains in effect
24 until the surety terminates future liability by providing to the
25 department [~~board~~] at least 30 days' notice of the intent to
26 terminate liability.

27 SECTION 5.044. Section 1702.127, Occupations Code, is

1 amended to read as follows:

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

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

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

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

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

19 SECTION 5.045. Section 1702.128, Occupations Code, is
20 amended to read as follows:

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

23 [~~(1)~~] the person's license in a conspicuous place in:

24 (1) the principal place of business of the company
25 license holder; and

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

1 SECTION 5.046. Section 1702.129, Occupations Code, is
2 amended to read as follows:

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

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

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

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

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

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

15 (1) is established;

16 (2) is closed; or

17 (3) changes address or location.

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

20 (a) A company license holder, or an officer, director,
21 partner, [~~manager,~~] or employee of a company license holder, may
22 not:

23 (1) use a title, an insignia, or an identification
24 card, wear a uniform, or make a statement with the intent to give an
25 impression that the person is connected with the federal
26 government, a state government, or a political subdivision of a
27 state government; or

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

3 SECTION 5.048. Section [1702.131](#), Occupations Code, is
4 amended to read as follows:

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

9 SECTION 5.049. Section [1702.132](#), Occupations Code, is
10 amended to read as follows:

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

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

22 SECTION 5.050. Section [1702.133](#), Occupations Code, is
23 amended to read as follows:

24 Sec. 1702.133. CONFIDENTIALITY; INFORMATION RELATING TO
25 CRIMINAL OFFENSE. (a) A company license holder or an officer,
26 director, or partner [~~or manager~~] of a company license holder may
27 not disclose to another information obtained by the person for an

1 employer or client except:

2 (1) at the direction of the employer or client; or

3 (2) as required by state law or court order.

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

12 SECTION 5.051. The heading to Section 1702.134, Occupations
13 Code, is amended to read as follows:

14 Sec. 1702.134. COMPANY LICENSE HOLDER EXEMPTIONS FROM
15 CERTAIN LOCAL REGULATIONS.

16 SECTION 5.052. Sections 1702.134(a) and (b), Occupations
17 Code, are amended to read as follows:

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

24 (b) A municipality, county, or other political subdivision
25 of this state may not require a payment for the use of municipal,
26 county, or other public facilities in connection with a business or
27 service provided by a company license holder, except that a

1 municipality may impose and collect:

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

5 (2) reasonable inspection and reinspection fees in
6 connection with a device that causes at least five false alarms in a
7 12-month period.

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

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

14 SECTION 5.054. Section 1702.162, Occupations Code, is
15 amended to read as follows:

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

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

23 (a) An applicant employed by a company license holder is not
24 eligible for a security officer commission unless the applicant
25 submits as part of the application satisfactory evidence that the
26 applicant has:

27 (1) completed the basic training course at a school or

1 under an instructor approved by the department [~~board~~];

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

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

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

10 SECTION 5.056. Section 1702.165, Occupations Code, is
11 amended to read as follows:

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

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

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

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

24 SECTION 5.057. Section 1702.167, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED
27 SECURITY OFFICER; TRANSFER OF COMMISSION. The holder of a security

1 officer commission who terminates employment with one employer may
2 transfer the individual's commission to a new employer if, not
3 later than the 14th day after the date the individual begins the new
4 employment, the new employer notifies the department [~~board~~] of the
5 transfer of employment on a form prescribed by the department
6 [~~board~~], accompanied by payment of the employee information update
7 fee.

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

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

- 13 (1) general security officer training issues;
14 (2) classroom instruction on handgun proficiency; and
15 (3) range instruction on handgun proficiency.

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

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

24 (d) The general security officer training portion of the
25 course must include instruction on:

- 26 (1) [~~board rules and~~] applicable rules and state laws;
27 (2) field note taking and report writing; and

1 (3) any other topics of security officer training
2 curriculum the department [~~board~~] considers necessary.

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

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

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

14 SECTION 5.059. Section 1702.168, Occupations Code, is
15 amended to read as follows:

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

- 21 (1) physical and mental standards; and
22 (2) [~~standards of good moral character, and~~
23 [~~3~~] other requirements that relate to the competency
24 and reliability of individuals to carry firearms.

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

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

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

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

8 SECTION 5.061. Section 1702.171, Occupations Code, is
9 amended to read as follows:

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

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

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

18 SECTION 5.063. Section 1702.181, Occupations Code, is
19 amended to read as follows:

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

26 (1) the security department's intent to employ a
27 commissioned security officer and register with the department

1 under this section;

2 (2) the name, title, and contact information of the
3 person serving in the security department as the contact for the
4 department; and

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

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

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

13 SUBCHAPTER I. PERSONAL PROTECTION OFFICER LICENSE [~~ENDORSEMENT~~]
14 REQUIREMENTS

15 SECTION 5.065. Section 1702.201, Occupations Code, is
16 amended to read as follows:

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

21 SECTION 5.066. Section 1702.203, Occupations Code, is
22 amended to read as follows:

23 Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER
24 LICENSE [~~ENDORSEMENT~~]. An applicant for a personal protection
25 officer license [~~endorsement~~] must submit a written application on
26 a form prescribed by the commission [~~board~~].

27 SECTION 5.067. Section 1702.204, Occupations Code, is

1 amended to read as follows:

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

6 (1) a certificate of completion of the basic security
7 officer training course;

8 (2) proof that the applicant:

9 (A) has been issued a security officer
10 commission;

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

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

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

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

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

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

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

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

5 (1) is either:

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

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

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

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

19 SUBCHAPTER J. LICENSING AND [~~REGISTRATION AND ENDORSEMENT~~
20 ~~REQUIREMENTS,~~] DUTIES OF INDIVIDUALS [~~REGISTRANT AND ENDORSEMENT~~
21 ~~HOLDER~~]

22 SECTION 5.071. Section 1702.221, Occupations Code, is
23 amended to read as follows:

24 Sec. 1702.221. INDIVIDUAL LICENSE [~~REGISTRATION AND~~
25 ~~ENDORSEMENT~~] REQUIRED. (a) To perform any activity regulated by
26 this chapter, the individual must:

27 (1) [~~register in accordance with the requirements of~~

1 ~~this chapter and related administrative rules,~~
2 ~~[(2)]~~ obtain the proper individual license
3 ~~[endorsement]~~ under Subsection (b); and
4 (2) ~~[(3)]~~ be employed by a company license holder
5 ~~[licensed under this chapter]~~.

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

- 9 (1) is employed as:
- 10 (A) an alarm instructor;
 - 11 (B) an alarm systems installer;
 - 12 (C) an alarm systems monitor;
 - 13 (D) an electronic access control device
14 installer;
 - 15 (E) a level 3 classroom or firearm instructor;
 - 16 (F) a locksmith;
 - 17 (G) ~~[a dog trainer,~~
 - 18 ~~[(H) a manager or branch office manager,~~
 - 19 ~~[(I)]~~ a noncommissioned security officer;
 - 20 (H) ~~[(J)]~~ a level 4 personal protection
21 instructor;
 - 22 (I) ~~[(K)]~~ a private investigator; or
 - 23 (J) ~~[(L) a private security consultant,~~
 - 24 ~~[(M) a security salesperson, or~~
 - 25 ~~[(N)]~~ an individual whose duties include
26 performing another activity for which an individual license
27 ~~[endorsement]~~ is required under Subsection (e); or

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

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

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

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

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

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

25 SECTION 5.073. Section 1702.229, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.229. QUALIFICATIONS FOR INDIVIDUAL LICENSE

1 ~~[REGISTRATION]~~. (a) An applicant for an individual license
2 ~~[registration]~~ must meet the qualifications required under Section
3 1702.113 for a company license applicant.

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

8 SECTION 5.074. Section 1702.230, Occupations Code, is
9 amended to read as follows:

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

14 (1) the applicant's full name, residence address,
15 residence telephone number, date and place of birth, and social
16 security number;

17 (2) a statement that:

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

23 (B) states that the applicant has never used a
24 name other than the name by which the applicant is known at the time
25 of application;

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

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

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

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

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

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

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

14 (b) The employer of the applicant shall make a reasonable
15 attempt to verify the information required under Subsection (a)(1)
16 before the earlier of:

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

18 (2) the date the applicant begins to perform the
19 duties of employment that require an individual license
20 [~~registration~~].

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

25 (d) For purposes of Subsection (a), an application is not
26 considered to be verified until the department [~~board~~] has received
27 electronic verification from the department or the Federal Bureau

1 of Investigation, as applicable, that the applicant has submitted
2 the applicant's fingerprints.

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

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

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

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

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

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

24 SECTION 5.075. Section 1702.2305, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.2305. PROVISIONAL INDIVIDUAL LICENSE

27 [~~REGISTRATION~~]. (a) The department [~~board~~] may issue a

1 provisional individual license [~~registration~~] to an applicant
2 currently licensed [~~registered~~] in another jurisdiction who seeks
3 an equivalent license [~~registration~~] in this state and who:

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

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

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

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

25 (c) The department [~~board~~] must approve or deny a
26 provisional individual license [~~registration~~] holder's application
27 for an individual license [~~a registration~~] not later than the 180th

1 day after the date the provisional individual license
2 [~~registration~~] is issued. The department [~~board~~] may extend the
3 180-day period if the results of an examination have not been
4 received by the department [~~board~~] before the end of that period.

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

9 SECTION 5.076. Section 1702.232, Occupations Code, is
10 amended to read as follows:

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

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

18 (c) The pocket card must:

19 (1) state the name of the individual license holder
20 [~~registrant~~];

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

24 (3) state the date the card was issued and the card's
25 expiration date[~~, and~~

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

1 SECTION 5.077. Section [1702.233](#), Occupations Code, is
2 amended to read as follows:

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

8 SECTION 5.078. Section [1702.234](#), Occupations Code, is
9 amended to read as follows:

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

19 SECTION 5.079. Section [1702.235](#), Occupations Code, is
20 amended to read as follows:

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

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

27 Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR

1 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The department
2 [~~board~~] shall require an individual who applies for an individual
3 license [~~endorsement~~] as an electronic access control device
4 installer to pass an examination given by the department [~~board~~] or
5 a person approved by the department [~~board~~]. The examination must
6 cover material related to access control.

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

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

14 Sec. 1702.239. TRAINING REQUIREMENTS FOR ALARM SYSTEMS
15 INSTALLER [~~AND SECURITY SALESPERSON~~]; EXAMINATION. (a) The
16 commission [~~board~~] may require that an individual employed as an
17 alarm systems installer [~~or security salesperson~~] hold a
18 certification by a commission-approved [~~board-approved~~] training
19 program to renew an individual license [~~endorsement~~]. The
20 commission [~~board~~] may approve only nationally recognized training
21 programs that consist of at least 16 hours of classroom study in the
22 areas of work allowed by the individual license [~~endorsement~~]. To
23 be approved, a training program must offer at least two
24 certification programs each year, sufficient to complete the
25 requirements of this subsection, within 100 miles of each county in
26 the state that has a population of more than 500,000.

27 (b) The commission [~~board~~] may require an individual who has

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

9 (c) [~~An individual who holds a registration on September 30,~~
10 ~~1993, is not required to comply with requirements adopted under~~
11 ~~Subsections (a) and (b) during the time the individual maintains~~
12 ~~the registration with the individual's current license holder.~~

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

24 SECTION 5.082. Section 1702.240, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.240. [~~REGISTRATION~~] EXEMPTIONS FOR UNDERCOVER
27 AGENT. (a) For the purposes of this section, "undercover agent"

1 means an individual hired by a person to perform a job in or for that
2 person, and while performing that job, to act as an undercover
3 agent, an employee, or an independent contractor of a company
4 license holder, but supervised by a company license holder.

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

8 SECTION 5.083. Section 1702.241, Occupations Code, is
9 amended to read as follows:

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

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

25 SECTION 5.084. Section 1702.282, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.282. CRIMINAL HISTORY CHECK. (a) The department

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

26 (b) Before beginning employment as a commissioned security
27 officer, the applicant must be approved by the department ~~[board]~~

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

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

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

20 (e) On receipt of notice that a check of the applicant's
21 criminal record has uncovered an unresolved and potentially
22 disqualifying arrest that occurred before the 10th anniversary of
23 the date the application is filed, the applicant must provide a
24 letter of reference from the county sheriff, prosecuting attorney,
25 or judge of the county in which the applicant was arrested stating
26 that a record of a disposition related to the arrest does not exist,
27 and to the best of the county sheriff's, prosecuting attorney's, or

1 judge's knowledge the applicant is free of any disqualifying
2 convictions. If the applicant fails to provide either the letter of
3 reference or documentary proof of the final disposition of the
4 arrest, the application is considered incomplete and the applicant
5 may not be issued a license or security officer~~[7]~~ commission~~[7~~
6 ~~endorsement, or certificate of registration]~~ under this chapter.

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

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

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

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

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

20 (a) Information contained in alarm systems records
21 maintained by a governmental body that concerns the location of an
22 alarm system, the name of the occupant of an alarm system location,
23 or the type of alarm system used is confidential and may be
24 disclosed only to the department ~~[board]~~, to the alarm company to
25 which the confidential records relate, or as otherwise required by
26 state law or court order.

27 SECTION 5.087. Section [1702.285](#), Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.285. FALSE REPRESENTATION. A person may not
3 represent falsely that the person:

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

5 (2) has a license or security officer commission [~~is~~
6 ~~licensed, registered, endorsed, or commissioned~~] under this
7 chapter.

8 SECTION 5.088. Sections 1702.288(a), (d), and (f),
9 Occupations Code, are amended to read as follows:

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

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

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

24 (2) notify the recipient of services at the time the
25 contract is negotiated that another licensed company may provide
26 any of the services requested by subcontracting or outsourcing
27 those services; and

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

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

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

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

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

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

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

25 SECTION 5.090. Sections [1702.301](#)(b), (c), and (h),
26 Occupations Code, are amended to read as follows:

27 (b) A company license, individual license, and security

1 officer commission expire on the dates determined by the commission
2 under Section 411.511, Government Code, but not later than [~~expires~~
3 ~~on~~] the second anniversary of the date the license or commission is
4 issued.

5 (c) A personal protection officer license [~~endorsement~~]
6 expires on the date determined by the commission under Section
7 411.511, Government Code, but not later than [~~on~~] the expiration
8 date of the security officer commission under which the license
9 [~~individual's endorsement~~] is issued.

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

16 SECTION 5.091. Sections [1702.302](#)(a), (b), (c), and (e),
17 Occupations Code, are amended to read as follows:

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

23 (b) A person whose license has been expired for 90 days or
24 less may renew the license by paying to the department [~~board~~] a
25 renewal fee that is equal to 1-1/2 times the normally required
26 renewal fee.

27 (c) A person whose license has been expired for longer than

1 90 days but less than one year may renew the license by paying to the
2 department [~~board~~] a renewal fee that is equal to two times the
3 normally required renewal fee.

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

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

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

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

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

26 (c) A company license holder, commissioned security
27 officer, or individual license [~~endorsement~~] holder must

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

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

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

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

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

26 (c) The department [~~board~~] may not charge a fee for issuing
27 a commission to an officer under Subsection (b). The department

1 ~~[board]~~ shall issue to the officer a pocket card designating the
2 political subdivision that employs the officer.

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

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

8 (c) The security department of a private business may not
9 hire or employ an individual to perform a duty described by Section
10 1702.222 if the individual has been convicted of a crime that would
11 otherwise preclude the individual from being licensed ~~[registered]~~
12 under this chapter. The private business shall maintain the
13 individual's criminal history record on file at the business and
14 shall make the record available for inspection by the department
15 ~~[Department of Public Safety]~~.

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

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

25 (b) This chapter does not apply to:

26 (1) an alarm systems company that sells, installs,
27 services, monitors, or responds to only personal emergency response

1 systems;

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

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

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

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

11 SECTION 5.098. Sections 1702.332(c) and (d), Occupations
12 Code, are amended to read as follows:

13 (c) To qualify for the exemption provided by Subsection (b),
14 a telematics service provider shall[+]

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

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

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

25 SECTION 5.099. Section 1702.361, Occupations Code, is
26 amended to read as follows:

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

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

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

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

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

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

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

16 (A) violated this chapter or a rule adopted under
17 this chapter;

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

23 (C) engaged in fraud, deceit, or
24 misrepresentation;

25 (D) made a material misstatement in an
26 application for or renewal of a license[~~, registration,
27 endorsement,~~] or commission;

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

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

6 (i) was not employed with a company
7 licensed under this chapter at the time the service was performed;
8 or

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

14 [~~(C) failed to qualify a new manager within the~~
15 ~~time required by board rule following the termination of a manager;~~
16 ~~or~~]

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

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

24 (B) committed theft while performing work as an
25 individual license holder [~~a registrant~~] or commissioned security
26 officer.

27 (c) The commission [~~department~~] may place on probation a

1 person whose license is suspended. If a person's suspension of a
2 license is probated, the commission [~~department~~] may require the
3 person:

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

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

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

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

17 SECTION 5.100. Section 1702.363, Occupations Code, is
18 amended to read as follows:

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

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

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

7 (1) summarily deny the person's application for a
8 license[~~7~~ ~~registration, endorsement,~~] or security officer
9 commission;

10 (2) in the event of pending charges, summarily suspend
11 the person's license[~~7~~ ~~certificate of registration, endorsement,~~]
12 or security officer commission; or

13 (3) in the event of a conviction, summarily revoke the
14 person's license[~~7~~ ~~certificate of registration, endorsement,~~] or
15 security officer commission.

16 (b) To initiate a proceeding to take action under Subsection
17 (a), the department must serve notice to the person. The notice
18 must:

19 (1) inform the person of the person's right to a
20 [~~preliminary~~] hearing before the department or the department's
21 designee;

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

23 (3) be personally served on the person or the person's
24 authorized representative, or sent to the person by certified or
25 registered mail, return receipt requested, to the person's mailing
26 address as it appears in the department's records.

27 (c) The action is effective at the time notice is served.

1 The person shall immediately surrender to the department any
2 ~~[certificate of registration,~~ security officer commission, pocket
3 card, or other form of identification issued by the department.

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

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

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

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

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

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

24 SECTION 5.102. Section [1702.365](#), Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.365. ABDUCTION OF CHILD. The commission ~~[board]~~
27 shall revoke a person's license~~, registration, endorsement,~~ or

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

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

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

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

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

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

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

23 (c) A person required to testify or to produce a record or
24 document on any matter properly under inquiry by the department
25 [~~board~~] who refuses to testify or to produce the record or document
26 on the ground that the testimony or the production of the record or
27 document would incriminate or tend to incriminate the person is

1 nonetheless required to testify or to produce the record or
2 document. A person who is required to testify or to produce a
3 record or document under this subsection is not subject to
4 indictment or prosecution for a transaction, matter, or thing
5 concerning which the person truthfully testifies or produces
6 evidence.

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

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

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

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

25 SECTION 5.105. Section [1702.372](#), Occupations Code, is
26 amended to read as follows:

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

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

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

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

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

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

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

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

22 (a) A person commits an offense if the person contracts with
23 or employs a person who is required to hold a license[~~,~~
24 ~~registration, endorsement,~~] or commission under this chapter
25 knowing that the person does not hold the required license[~~,~~
26 ~~registration, endorsement,~~] or commission or who otherwise, at the
27 time of contract or employment, is in violation of this chapter.

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

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

7 (1) a peace officer;

8 (2) an individual [~~endorsed or~~] licensed as a private
9 investigator [~~or the manager of a licensed investigations company~~];
10 or

11 (3) a commissioned security officer employed by a
12 licensed guard company.

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

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

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

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

24 (1) impersonates a commissioned or noncommissioned
25 security officer with the intent to induce another to submit to the
26 person's pretended authority or to rely on the person's pretended
27 acts of a security officer; or

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

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

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

12 SECTION 5.112. Chapter 1702, Occupations Code, is amended
13 by adding Subchapter R to read as follows:

14 SUBCHAPTER R. HEARING AND APPEALS PROCEDURE

15 Sec. 1702.451. RULES; APPLICATION OF ADMINISTRATIVE
16 PROCEDURE ACT. (a) The commission and the State Office of
17 Administrative Hearings shall adopt rules to administer this
18 subchapter.

19 (b) Chapter 2001, Government Code, applies to a proceeding
20 under this subchapter to the extent consistent with this
21 subchapter.

22 Sec. 1702.452. HEARING. (a) If a person regulated under
23 this chapter against whom the commission has taken action under
24 this chapter or Chapter 411, Government Code, requests a hearing:

25 (1) the hearing shall be heard by an administrative
26 law judge employed by the State Office of Administrative Hearings;
27 and

1 (2) the issue that must be proved by a preponderance of
2 the evidence is whether the person engaged in the conduct that
3 constitutes the grounds for the commission's action against the
4 person.

5 (b) If the administrative law judge finds in the affirmative
6 on the issue under Subsection (a)(2), the commission's action is
7 sustained.

8 (c) If the administrative law judge does not find in the
9 affirmative on the issue under Subsection (a)(2), the commission
10 shall:

11 (1) reverse or withdraw its action against the person,
12 as appropriate; and

13 (2) issue:

14 (A) an order of reversal or withdrawal under
15 Subdivision (1); and

16 (B) notice of the reversal or withdrawal to the
17 person.

18 (d) The decision of the administrative law judge is final
19 when issued and signed.

20 Sec. 1702.453. APPEAL. A person against whom the
21 commission's action is sustained under Section 1702.452(b) may
22 appeal the decision by filing a petition in a district court in
23 Travis County not later than the 30th day after the date the
24 administrative law judge's decision is final. The administrative
25 law judge's final decision is immediately appealable without the
26 requirement of a motion for rehearing.

27 Sec. 1702.454. STANDARD FOR JUDICIAL REVIEW. A person who

1 is aggrieved by a final decision of an administrative law judge
2 under this subchapter is entitled to judicial review under the
3 substantial evidence rule.

4 SECTION 5.113. Section 411.042(b), Government Code, is
5 amended to read as follows:

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

7 (1) procure and file for record photographs, pictures,
8 descriptions, fingerprints, measurements, and other pertinent
9 information of all persons arrested for or charged with a criminal
10 offense or convicted of a criminal offense, regardless of whether
11 the conviction is probated;

12 (2) collect information concerning the number and
13 nature of offenses reported or known to have been committed in the
14 state and the legal steps taken in connection with the offenses, and
15 other information useful in the study of crime and the
16 administration of justice, including information that enables the
17 bureau to create a statistical breakdown of:

18 (A) offenses in which family violence was
19 involved;

20 (B) offenses under Sections 22.011 and 22.021,
21 Penal Code; and

22 (C) offenses under Sections 20A.02, 43.02(a),
23 43.02(b), 43.03, and 43.05, Penal Code;

24 (3) make ballistic tests of bullets and firearms and
25 chemical analyses of bloodstains, cloth, materials, and other
26 substances for law enforcement officers of the state;

27 (4) cooperate with identification and crime records

1 bureaus in other states and the United States Department of
2 Justice;

3 (5) maintain a list of all previous background checks
4 for applicants for any position regulated under Chapter 1702,
5 Occupations Code, who have undergone a criminal history background
6 check as required by that chapter [~~under Section 411.119~~], if the
7 check indicates a Class B misdemeanor or equivalent offense or a
8 greater offense;

9 (6) collect information concerning the number and
10 nature of protective orders and magistrate's orders of emergency
11 protection and all other pertinent information about all persons
12 subject to active orders, including pertinent information about
13 persons subject to conditions of bond imposed for the protection of
14 the victim in any family violence, sexual assault or abuse,
15 stalking, or trafficking case. Information in the law enforcement
16 information system relating to an active order shall include:

17 (A) the name, sex, race, date of birth, personal
18 descriptors, address, and county of residence of the person to whom
19 the order is directed;

20 (B) any known identifying number of the person to
21 whom the order is directed, including the person's social security
22 number or driver's license number;

23 (C) the name and county of residence of the
24 person protected by the order;

25 (D) the residence address and place of employment
26 or business of the person protected by the order, unless that
27 information is excluded from the order under Article 17.292(e),

1 Code of Criminal Procedure;

2 (E) the child-care facility or school where a
3 child protected by the order normally resides or which the child
4 normally attends, unless that information is excluded from the
5 order under Article 17.292(e), Code of Criminal Procedure;

6 (F) the relationship or former relationship
7 between the person who is protected by the order and the person to
8 whom the order is directed;

9 (G) the conditions of bond imposed on the person
10 to whom the order is directed, if any, for the protection of a
11 victim in any family violence, sexual assault or abuse, stalking,
12 or trafficking case;

13 (H) any minimum distance the person subject to
14 the order is required to maintain from the protected places or
15 persons; and

16 (I) the date the order expires;

17 (7) grant access to criminal history record
18 information in the manner authorized under Subchapter F;

19 (8) collect and disseminate information regarding
20 offenders with mental impairments in compliance with Chapter 614,
21 Health and Safety Code; and

22 (9) record data and maintain a state database for a
23 computerized criminal history record system and computerized
24 juvenile justice information system that serves:

25 (A) as the record creation point for criminal
26 history record information and juvenile justice information
27 maintained by the state; and

1 (B) as the control terminal for the entry of
2 records, in accordance with federal law and regulations, federal
3 executive orders, and federal policy, into the federal database
4 maintained by the Federal Bureau of Investigation.

5 SECTION 5.114. (a) Section 411.119, Government Code, is
6 repealed.

7 (b) The following provisions of the Occupations Code are
8 repealed:

- 9 (1) Section 1702.002(1-b);
- 10 (2) Section 1702.002(3);
- 11 (3) Section 1702.002(6-b);
- 12 (4) Section 1702.002(11);
- 13 (5) Section 1702.002(12);
- 14 (6) Section 1702.002(13);
- 15 (7) Section 1702.002(14);
- 16 (8) Section 1702.002(19);
- 17 (9) Section 1702.002(20);
- 18 (10) Section 1702.027(c);
- 19 (11) Section 1702.028;
- 20 (12) Section 1702.030;
- 21 (13) Section 1702.043;
- 22 (14) Section 1702.047;
- 23 (15) Section 1702.0611;
- 24 (16) Section 1702.0612;
- 25 (17) Section 1702.066;
- 26 (18) Section 1702.081;
- 27 (19) Section 1702.082;

- 1 (20) Section 1702.083;
- 2 (21) Section 1702.1045;
- 3 (22) Section 1702.109;
- 4 (23) Section 1702.111;
- 5 (24) Section 1702.113(d);
- 6 (25) Section 1702.116;
- 7 (26) Section 1702.119;
- 8 (27) Section 1702.120;
- 9 (28) Section 1702.121;
- 10 (29) Section 1702.183;
- 11 (30) Section 1702.225;
- 12 (31) Section 1702.227;
- 13 (32) Section 1702.228;
- 14 (33) Sections 1702.301(a), (d), (e), (f), and (g);
- 15 (34) Section 1702.304;
- 16 (35) Section 1702.307;
- 17 (36) Section 1702.3615;
- 18 (37) Section 1702.362;
- 19 (38) Sections 1702.364(g), (h), and (i);
- 20 (39) Section 1702.371;
- 21 (40) Section 1702.385; and
- 22 (41) Subchapter Q, Chapter 1702.

23 SECTION 5.115. (a) On September 1, 2019, the terms of the
24 members serving on the Texas Private Security Board expire and the
25 Texas Private Security Board is abolished.

26 (b) As soon as practicable after the effective date of this
27 Act, the Public Safety Commission shall appoint members to the

1 Texas Private Security Advisory Committee in accordance with
2 Section 1702.021, Occupations Code, as amended by this Act. A board
3 member whose term expired under Subsection (a) of this section is
4 eligible for reappointment to the advisory committee.

5 (c) The members of the Texas Private Security Board whose
6 terms expire under Subsection (a) of this section shall continue to
7 provide advice to the Department of Public Safety until a majority
8 of the members of the Texas Private Security Advisory Committee are
9 appointed under Subsection (b) of this section and qualified.

10 SECTION 5.116. (a) In this section:

11 (1) "Commission" means the Public Safety Commission.

12 (2) "Department" means the Department of Public
13 Safety.

14 (3) "Former board" means the Texas Private Security
15 Board.

16 (b) On September 1, 2019:

17 (1) all functions and activities performed by the
18 former board immediately before that date are transferred to the
19 department;

20 (2) all rules, fees, policies, procedures, decisions,
21 and forms adopted by the former board are continued in effect as
22 rules, fees, policies, procedures, decisions, and forms of the
23 commission or the department, as applicable, and remain in effect
24 until amended or replaced by the commission or department;

25 (3) a complaint, investigation, contested case, or
26 other proceeding before the former board that is pending on
27 September 1, 2019, is transferred without change in status to the

1 department or the commission, as appropriate;

2 (4) all money, contracts, leases, property, and
3 obligations of the former board are transferred to the department;

4 (5) all property in the custody of the former board is
5 transferred to the department; and

6 (6) the unexpended and unobligated balance of any
7 money appropriated by the legislature for the former board is
8 transferred to the department.

9 (c) The former board shall provide the department with
10 access to any systems or information necessary for the department
11 to accept the program transferred under this Act.

12 (d) A license, certificate, or other authorization issued
13 by the former board is continued in effect as a license,
14 certificate, or other authorization of the department.

15 SECTION 5.117. On September 1, 2019, the following expire:

16 (1) any license, registration, endorsement, or other
17 authorization required to operate as a guard dog company or trainer
18 of a dog used to protect persons or property or to conduct
19 investigations, as described by Chapter 1702, Occupations Code, as
20 that chapter existed immediately before the effective date of this
21 Act; and

22 (2) any license, registration, endorsement, or other
23 authorization required to operate as a security salesperson,
24 private security consultant, or private security consulting
25 company, as described by Chapter 1702, Occupations Code, as that
26 chapter existed immediately before the effective date of this Act.

27 SECTION 5.118. As soon as practicable after the effective

1 date of this Act:

2 (1) the Public Safety Commission shall adopt rules
3 necessary to implement the changes in law made by this Act to
4 Chapter 1702, Occupations Code; and

5 (2) the State Office of Administrative Hearings shall
6 adopt rules necessary to implement Subchapter R, Chapter 1702,
7 Occupations Code, as added by this Act.

8 SECTION 5.119. The changes in law made by this Act amending
9 Chapter 1702, Occupations Code, do not affect the validity of a
10 disciplinary action or other proceeding that was initiated before
11 the effective date of this Act and that is pending before a court or
12 other governmental entity on the effective date of this Act.

13 SECTION 5.120. (a) A violation of Chapter 1702,
14 Occupations Code, that is repealed or amended by this Act is
15 governed by the law in effect when the violation was committed, and
16 the former law is continued in effect for that purpose.

17 (b) For purposes of this section, a violation was committed
18 before the effective date of this Act if any element of the
19 violation occurred before that date.

20 ARTICLE 6. CONDITIONAL TRANSFER OF DRIVER'S LICENSE PROGRAMS FROM
21 DEPARTMENT OF PUBLIC SAFETY TO DEPARTMENT OF MOTOR VEHICLES

22 SECTION 6.001. Sections 521.001(a)(1-a) and (2),
23 Transportation Code, are amended to read as follows:

24 (1-a) "Department" means the Texas Department of Motor
25 Vehicles [~~Public Safety~~].

26 (2) "Director" means the executive [~~public safety~~]
27 director of the department.

1 SECTION 6.002. Section 521.001(c), Transportation Code, is
2 amended to read as follows:

3 (c) The department by rule may define types of vehicles that
4 are "motorcycles" for the purposes of this chapter, in addition to
5 those defined under Subsection (a)(6-a), and~~[. The Texas~~
6 ~~Department of Motor Vehicles by rule may define the types of~~
7 ~~vehicles that are "motorcycles"]~~ for the purposes of Chapters 501,
8 502, and 503. This subsection applies only to vehicles
9 manufactured by a manufacturer licensed under Chapter 2301,
10 Occupations Code.

11 SECTION 6.003. Subchapter A, Chapter 521, Transportation
12 Code, is amended by adding Section 521.0015 to read as follows:

13 Sec. 521.0015. STATUTORY REFERENCES. A statutory reference
14 to the Department of Public Safety means the Texas Department of
15 Motor Vehicles if the statutory reference concerns:

16 (1) the administration of the programs established by
17 this chapter, Chapter 522, and other law that license a person to
18 operate a motor vehicle, as defined by Section 501.002, or a
19 commercial motor vehicle, as defined by Section 522.003, in this
20 state; or

21 (2) the administration of Chapter 521A.

22 SECTION 6.004. (a) In this section:

23 (1) "Former administrator" means the Department of
24 Public Safety.

25 (2) "Licensing program" means:

26 (A) the programs established by Chapters 521 and
27 522, Transportation Code, and other law, that license a person to

1 operate in this state a motor vehicle, as defined by Section
2 501.002, Transportation Code, or a commercial motor vehicle, as
3 defined by Section 522.003, Transportation Code; and

4 (B) the program to issue election identification
5 certificates under Chapter 521A, Transportation Code.

6 (3) "New administrator" means the Texas Department of
7 Motor Vehicles.

8 (4) "Work group" means the work group established
9 under Subsection (b) of this section.

10 (b) As soon as practicable after the effective date of this
11 section, the former administrator and the new administrator shall
12 establish a work group to plan the transfer of the licensing program
13 from the former administrator to the new administrator.

14 (c) The work group shall:

15 (1) adopt a transition plan to provide for the orderly
16 transfer of powers, duties, functions, programs, and activities
17 related to the licensing program, including:

18 (A) a plan that ensures the transfer of the
19 licensing program will be completed on or before August 31, 2021;
20 and

21 (B) completion dates for substantial phases of
22 the licensing program's transfer;

23 (2) implement the transition plan described by
24 Subdivision (1) of this subsection; and

25 (3) provide a quarterly report of the work group's
26 progress in developing and implementing the transition plan
27 described by Subdivision (1) of this subsection to:

1 (A) the presiding officer of each house of the
2 legislature;

3 (B) the governor; and

4 (C) the Sunset Advisory Commission.

5 (d) To prepare for the transfer, the former administrator
6 shall provide the new administrator with access to any systems,
7 information, property, records, or personnel necessary for the new
8 administrator to administer the licensing program transferred
9 under this article.

10 (e) As soon as practicable after the effective date of this
11 section:

12 (1) the new administrator shall study the most
13 effective use of available state and county resources, including
14 personnel, property, and resources potentially available through
15 the adoption of intergovernmental agreements, to administer the
16 licensing program, prioritizing:

17 (A) administrative efficiency and cost savings;
18 and

19 (B) accessibility of the licensing program for
20 the citizens of this state, including citizens residing in rural
21 areas of this state; and

22 (2) the former administrator shall assist in the study
23 described by Subdivision (1) of this subsection as requested by the
24 new administrator.

25 (f) On September 1, 2021:

26 (1) all licensing program functions and activities
27 performed by the former administrator immediately before that date

1 are transferred to the new administrator;

2 (2) all licensing program rules, fees, policies,
3 procedures, decisions, and forms adopted by the former
4 administrator are continued in effect as rules, fees, policies,
5 procedures, decisions, and forms of the new administrator and
6 remain in effect until amended or replaced by the new
7 administrator;

8 (3) a licensing program complaint, investigation,
9 contested case, or other proceeding before the former administrator
10 that is pending on September 1, 2021, is transferred without change
11 in status to the new administrator;

12 (4) all licensing program money, contracts, leases,
13 property, and obligations of the former administrator are
14 transferred to the new administrator;

15 (5) all licensing program property in the custody of
16 the former administrator is transferred to the new administrator;
17 and

18 (6) the unexpended and unobligated balance of any
19 money appropriated by the legislature to the former administrator
20 for the purpose of administering the licensing program is
21 transferred to the new administrator.

22 (g) On September 1, 2021, a license, certificate,
23 endorsement, or other form of authorization issued by the former
24 administrator and related to the licensing program is continued in
25 effect as a license, certificate, endorsement, or other form of
26 authorization of the new administrator.

27 (h) On September 1, 2021, all full-time equivalent employee

1 positions at the former administrator that primarily concern the
2 administration or enforcement of the licensing program become
3 positions at the new administrator.

4 SECTION 6.005. (a) In this section, "driver's license
5 program" means:

6 (1) the programs established by Chapters 521 and 522,
7 Transportation Code, and other law, that license a person to
8 operate in this state a motor vehicle, as defined by Section
9 501.002, Transportation Code, or a commercial motor vehicle, as
10 defined by Section 522.003, Transportation Code; and

11 (2) the program to issue election identification
12 certificates under Chapter 521A, Transportation Code.

13 (b) The Department of Public Safety shall enter into a
14 contract with an independent, third-party contractor designated by
15 the comptroller of public accounts to conduct a feasibility study
16 that examines and makes recommendations on the management and
17 operating structure of the driver's license program and the
18 opportunities and challenges of transferring the driver's license
19 program.

20 (c) Not later than September 1, 2020, the contractor
21 described by Subsection (b) of this section shall submit a report on
22 the study conducted under that subsection to the legislature, the
23 governor, the Sunset Advisory Commission, the Department of Public
24 Safety, and the Texas Department of Motor Vehicles.

25 (d) In conducting the study required by Subsection (b) of
26 this section, the Department of Public Safety, the Texas Department
27 of Motor Vehicles, or the independent, third-party contractor

1 described by that subsection may not disclose any personal
2 information obtained in conducting the study. In this subsection,
3 "personal information" means information that identifies a holder
4 of a driver's license or election identification certificate,
5 including a name, address, date of birth, social security number,
6 telephone number, physical characteristic, or similar identifier.

7 SECTION 6.006. (a) Subject to Subsection (b) of this
8 section, this article takes effect immediately if this Act receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 article takes effect September 1, 2019.

13 (b) Sections 6.001, 6.002, 6.003, and 6.004 of this article
14 take effect only if the report required by Section 6.005 of this
15 article is not submitted within the period prescribed by that
16 section.

17 ARTICLE 7. EXPIRATION DATES OF DRIVER'S LICENSES AND COMMERCIAL
18 DRIVER'S LICENSES

19 SECTION 7.001. Sections 521.271(a) and (b), Transportation
20 Code, are amended to read as follows:

21 (a) Each original driver's license, provisional license,
22 learner license, or occupational driver's license issued to an
23 applicant who is a citizen, national, or legal permanent resident
24 of the United States or a refugee or asylee lawfully admitted into
25 the United States expires as follows:

26 (1) except as provided by Section 521.2711, a driver's
27 license expires on the first birthday of the license holder

1 occurring after the eighth [~~sixth~~] anniversary of the date of the
2 application;

3 (2) a provisional license expires on the 18th birthday
4 of the license holder;

5 (3) a learner license expires on the 18th birthday of
6 the license holder;

7 (4) an occupational driver's license expires on the
8 first anniversary of the court order granting the license; and

9 (5) unless an earlier date is otherwise provided, a
10 driver's license issued to a person whose residence or domicile is a
11 correctional facility or a parole facility expires on the first
12 birthday of the license holder occurring after the first
13 anniversary of the date of issuance.

14 (b) Except as provided by Section [521.2711](#), a driver's
15 license that is renewed expires on the earlier of:

16 (1) the eighth [~~sixth~~] anniversary of the expiration
17 date before renewal if the applicant is a citizen, national, or
18 legal permanent resident of the United States or a refugee or asylee
19 lawfully admitted into the United States;

20 (1-a) for an applicant not described by Subdivision
21 (1):

22 (A) the earlier of:

23 (i) the eighth [~~sixth~~] anniversary of the
24 expiration date before renewal; or

25 (ii) the expiration date of the applicant's
26 authorized stay in the United States; or

27 (B) the first anniversary of the date of

1 issuance, if there is no definite expiration date for the
2 applicant's authorized stay in the United States; or

3 (2) for a renewal driver's license issued to a person
4 whose residence or domicile is a correctional facility or a parole
5 facility, the first birthday of the license holder occurring after
6 the first anniversary of the date of issuance unless an earlier date
7 is otherwise provided.

8 SECTION 7.002. Sections 521.421(a) and (b), Transportation
9 Code, are amended to read as follows:

10 (a) The fee for issuance or renewal of a license not
11 otherwise provided for by this section is \$32 [~~\$24~~].

12 (b) The fee for renewal of a Class M license or for renewal
13 of a license that includes authorization to operate a motorcycle is
14 \$43 [~~\$32~~].

15 SECTION 7.003. Section 521.421(f), Transportation Code, as
16 added by Chapter 1372 (H.B. No. 1200), Acts of the 75th
17 Legislature, Regular Session, 1997, is amended to read as follows:

18 (f) If a Class A, B, or C driver's license includes an
19 authorization to operate a motorcycle or moped, the fee for the
20 driver's license is increased by \$11 [~~\$8~~].

21 SECTION 7.004. Section 522.029, Transportation Code, is
22 amended by amending Subsection (a) and adding Subsection (m) to
23 read as follows:

24 (a) The fee for a commercial driver's license issued by the
25 department is \$96 [~~\$60~~], except as provided by Subsections (f),
26 (h), (j), [~~and~~] (k), and (m).

27 (m) The fee for a commercial driver's license with a

1 hazardous materials endorsement issued by the department is \$60,
2 except as provided by Subsections (h), (j), and (k).

3 SECTION 7.005. Section 522.051, Transportation Code, is
4 amended by amending Subsections (a), (b), (c), (d), and (f) and
5 adding Subsections (i), (j), (k), and (l) to read as follows:

6 (a) Except as provided by Subsections [~~Subsection~~] (f) and
7 (i) and Sections 522.013(e), 522.033, and 522.054, an original
8 commercial driver's license expires eight [~~five~~] years after the
9 applicant's next birthday.

10 (b) Except as provided by Subsection (j) and Section
11 522.054, a commercial driver's license issued to a person holding a
12 Texas Class A, B, C, or M license that would expire one year or more
13 after the date of issuance of the commercial driver's license
14 expires eight [~~five~~] years after the applicant's next birthday.

15 (c) Except as provided by Subsection (k) and Section
16 522.054, a commercial driver's license issued to a person holding a
17 Texas Class A, B, C, or M license that would expire less than one
18 year after the date of issuance of the commercial driver's license
19 or that has been expired for less than one year expires eight [~~five~~]
20 years after the expiration date shown on the Class A, B, C, or M
21 license.

22 (d) Except as provided by Subsection (l) and Section
23 522.054, a commercial driver's license issued to a person holding a
24 Texas Class A, B, C, or M license that has been expired for at least
25 one year but not more than two years expires eight [~~five~~] years
26 after the applicant's last birthday.

27 (f) Except as provided by Section 522.013, a non-domiciled

1 commercial driver's license other than a temporary non-domiciled
2 commercial driver's license under Section 522.013(e) expires on:

3 (1) the earlier of:

4 (A) the first birthday of the license holder
5 occurring after the eighth [~~fifth~~] anniversary of the date of the
6 application; or

7 (B) the expiration date of the license holder's
8 lawful presence in the United States as determined by the
9 appropriate United States agency in compliance with federal law; or

10 (2) the first anniversary of the date of issuance, if
11 there is no definitive expiration date for the applicant's
12 authorized stay in the United States.

13 (i) Except as provided by Subsection (f) and Sections
14 522.013(e), 522.033, and 522.054, an original commercial driver's
15 license with a hazardous materials endorsement expires five years
16 after the applicant's next birthday.

17 (j) Except as provided by Section 522.054, a commercial
18 driver's license with a hazardous materials endorsement issued to a
19 person holding a Texas Class A, B, C, or M license that would expire
20 one year or more after the date of issuance of the commercial
21 driver's license expires five years after the applicant's next
22 birthday.

23 (k) Except as provided by Section 522.054, a commercial
24 driver's license with a hazardous materials endorsement issued to a
25 person holding a Texas Class A, B, C, or M license that would expire
26 less than one year after the date of issuance of the commercial
27 driver's license or that has been expired for less than one year

1 expires five years after the expiration date shown on the Class A,
2 B, C, or M license.

3 (l) Except as provided by Section 522.054, a commercial
4 driver's license with a hazardous materials endorsement issued to a
5 person holding a Texas Class A, B, C, or M license that has been
6 expired for at least one year but not more than two years expires
7 five years after the applicant's last birthday.

8 SECTION 7.006. Section 522.052, Transportation Code, is
9 amended by amending Subsections (b) and (c) and adding Subsections
10 (k) and (l) to read as follows:

11 (b) Except as provided by Section 522.054, a renewal of a
12 commercial driver's license that has been expired for less than one
13 year expires eight [~~five~~] years after the expiration date shown on
14 the commercial driver's license.

15 (c) Except as provided by Section 522.054, a renewal of a
16 commercial driver's license that has been expired for at least one
17 year but not more than two years expires seven [~~six~~] years after the
18 applicant's last birthday.

19 (k) Except as provided by Section 522.054, a renewal of a
20 commercial driver's license with a hazardous materials endorsement
21 that has been expired for less than one year expires five years
22 after the expiration date shown on the commercial driver's license.

23 (l) Except as provided by Section 522.054, a renewal of a
24 commercial driver's license with a hazardous materials endorsement
25 that has been expired for at least one year but not more than two
26 years expires five years after the applicant's last birthday.

27 SECTION 7.007. The changes in law made by this Act to

1 Sections 521.271 and 521.421, Transportation Code, apply only to a
2 driver's license issued or renewed on or after June 1, 2020. A
3 driver's license issued or renewed before June 1, 2020, is governed
4 by the law in effect immediately before the effective date of this
5 Act, and the former law is continued in effect for that purpose.

6 SECTION 7.008. The changes in law made by this Act to
7 Sections 522.029, 522.051, and 522.052, Transportation Code, apply
8 only to a commercial driver's license issued or renewed on or after
9 June 1, 2020. A commercial driver's license issued or renewed
10 before June 1, 2020, is governed by the law in effect immediately
11 before the effective date of this Act, and the former law is
12 continued in effect for that purpose.

13 ARTICLE 8. MOTORCYCLE AND OFF-HIGHWAY VEHICLE OPERATOR TRAINING
14 PROGRAMS

15 SECTION 8.001. Chapter 662, Transportation Code, is amended
16 by adding Section 662.0005 to read as follows:

17 Sec. 662.0005. DEFINITIONS. In this chapter:

18 (1) "Commission" means the Texas Commission of
19 Licensing and Regulation.

20 (2) "Department" means the Texas Department of
21 Licensing and Regulation.

22 (3) "Institution of higher education" has the meaning
23 assigned by Section 61.003, Education Code.

24 (4) "Instructor" means an individual who holds a
25 license issued under this chapter that entitles the individual to
26 provide instruction on motorcycle operation and safety as an
27 employee of or under contract with a motorcycle school.

1 (5) "Motorcycle school" means a person who holds a
2 license issued under this chapter that entitles the person to offer
3 and conduct courses on motorcycle operation and safety for
4 consideration as part of the motorcycle operator training and
5 safety program.

6 SECTION 8.002. Section 662.001, Transportation Code, is
7 amended to read as follows:

8 Sec. 662.001. ADMINISTRATION OF PROGRAM [~~DESIGNATED STATE~~
9 ~~AGENCY~~]. The department [~~governor~~] shall [~~designate a state agency~~
10 ~~to establish and~~] administer a motorcycle operator training and
11 safety program and enforce the laws governing the program.

12 SECTION 8.003. The heading to Section 662.002,
13 Transportation Code, is amended to read as follows:

14 Sec. 662.002. PURPOSE OF PROGRAM [~~, CURRICULUM~~].

15 SECTION 8.004. Chapter 662, Transportation Code, is amended
16 by adding Sections 662.0033, 662.0035, and 662.0037 to read as
17 follows:

18 Sec. 662.0033. MINIMUM CURRICULUM STANDARDS. (a) The
19 commission by rule shall establish minimum curriculum standards for
20 courses provided under the motorcycle operator training and safety
21 program.

22 (b) The department shall approve all courses that meet the
23 curriculum standards established under Subsection (a).

24 (c) In establishing the minimum curriculum standards for
25 entry-level courses, the commission shall consider the standards
26 for motorcycle operator training and safety courses adopted by the
27 National Highway Traffic Safety Administration.

1 Sec. 662.0035. FEES. The commission may set fees in amounts
2 reasonable and necessary to cover the costs of administering this
3 chapter, including fees for:

4 (1) the issuance and renewal of a motorcycle school
5 license and instructor license; and

6 (2) courses provided under the motorcycle operator
7 training and safety program.

8 Sec. 662.0037. MOTORCYCLE SAFETY ADVISORY BOARD. (a) The
9 commission shall establish an advisory board to advise the
10 department on matters related to the motorcycle operator training
11 and safety program established under this chapter.

12 (b) The advisory board must consist of nine members
13 appointed by the presiding officer of the commission, on approval
14 of the commission, as follows:

15 (1) three members:

16 (A) each of whom must be a licensed instructor or
17 represent a licensed motorcycle school; and

18 (B) who must collectively represent the
19 diversity in size and type of the motorcycle schools licensed under
20 this chapter;

21 (2) one member who represents the motorcycle dealer
22 retail industry;

23 (3) one representative of a law enforcement agency;

24 (4) one representative of the Texas A&M Transportation
25 Institute;

26 (5) one representative of the Texas A&M Engineering
27 Extension Service; and

1 (6) two public members who hold a valid Class M
2 driver's license issued under Chapter 521.

3 (c) The advisory board members serve staggered six-year
4 terms. The terms of three members expire September 1 of each
5 odd-numbered year.

6 (d) If a vacancy occurs on the advisory board, the presiding
7 officer of the commission, on approval of the commission, shall
8 appoint a replacement who meets the qualifications for the vacant
9 position to serve for the remainder of the term.

10 (e) The presiding officer of the commission, on approval of
11 the commission, shall designate a member of the advisory board to
12 serve as the presiding officer of the advisory board for a one-year
13 term. The presiding officer of the advisory board may vote on any
14 matter before the advisory board.

15 (f) The advisory board shall meet at the call of the
16 executive director or the presiding officer of the commission.

17 (g) An advisory board member may not receive compensation
18 for service on the advisory board but is entitled to reimbursement
19 for actual and necessary expenses incurred in performing the
20 functions as a member of the advisory board, subject to the General
21 Appropriations Act.

22 (h) Chapter 2110, Government Code, does not apply to the
23 advisory board.

24 (i) The department may call a joint meeting of the advisory
25 board and the advisory committee established under Section
26 1001.058, Education Code, for the committees to collaborate on
27 matters determined by the department.

1 SECTION 8.005. Section 662.005, Transportation Code, is
2 amended to read as follows:

3 Sec. 662.005. CONTRACTS. (a) The department [~~designated~~
4 ~~state agency~~] may [~~license or~~] contract with qualified persons,
5 including institutions of higher education, to:

6 (1) offer and conduct motorcycle operator training and
7 safety courses under the [~~administer or operate the motorcycle~~
8 ~~operator training and safety~~] program; or

9 (2) research motorcycle safety in this state.

10 (b) The department shall consult with the motorcycle safety
11 advisory board regarding any proposal to contract under this
12 section.

13 SECTION 8.006. Section 662.006(a), Transportation Code, is
14 amended to read as follows:

15 (a) A person may not offer or conduct training in motorcycle
16 operation for consideration unless the person:

17 (1) is licensed as a motorcycle school under this
18 chapter;

19 (2) offers and conducts training in accordance with a
20 motorcycle operator training curriculum approved by the
21 department; and

22 (3) employs or contracts with an instructor licensed
23 under this chapter to conduct the training [~~by or contracts with the~~
24 ~~designated state agency~~].

25 SECTION 8.007. Chapter 662, Transportation Code, is amended
26 by adding Sections 662.0062, 662.0064, and 662.0068 to read as
27 follows:

1 Sec. 662.0062. ELIGIBILITY; APPLICATION. (a) To be
2 eligible for an instructor license, an applicant must:

3 (1) have completed a commission-approved training
4 program on motorcycle operator training and safety instruction
5 administered by the Texas A&M Engineering Extension Service;

6 (2) have held for the two years preceding the date of
7 submitting the application a valid driver's license that entitles
8 the applicant to operate a motorcycle on a public road; and

9 (3) have accumulated less than 10 points under the
10 driver responsibility program established by Chapter 708.

11 (b) The commission by rule may adopt additional
12 requirements for issuance of an instructor license.

13 (c) To be eligible for a motorcycle school license, an
14 applicant must meet the minimum standards established by commission
15 rule for:

16 (1) health and safety;

17 (2) the school's facility; and

18 (3) consumer protection.

19 (d) The department shall issue a license to an applicant who
20 meets the eligibility requirements established under this chapter
21 and department rule and who pays the required fee.

22 (e) The department may prescribe an application form for
23 applicants to submit when applying for a license under this
24 section.

25 Sec. 662.0064. INSTRUCTOR TRAINING; ADMINISTRATOR. The
26 Texas A&M Engineering Extension Service, in consultation with the
27 department, shall administer the training program required by

1 Section 662.0062(a)(1).

2 Sec. 662.0068. PROGRAM CERTIFICATES. The department shall
3 issue a certificate of completion to a person who completes a
4 department-approved motorcycle operator training and safety course
5 conducted by a motorcycle school on receipt of notice from the
6 motorcycle school that conducted the course. The department may
7 develop a process that allows a motorcycle school to issue a
8 certificate of completion to the person.

9 SECTION 8.008. Section 662.008, Transportation Code, is
10 amended to read as follows:

11 Sec. 662.008. DENIAL, SUSPENSION, OR REVOCATION
12 [~~CANCELLATION~~] OF INSTRUCTOR OR MOTORCYCLE SCHOOL LICENSE
13 [~~APPROVAL~~]. (a) The executive director or commission [~~designated~~
14 ~~state agency~~] may deny an application for, suspend, or revoke a
15 license issued [~~cancel its approval for a program sponsor to~~
16 ~~conduct or for an instructor to teach a course offered~~] under this
17 chapter if the applicant, instructor, or motorcycle school
18 [~~sponsor~~]:

19 (1) does not satisfy the requirements established
20 under this chapter to receive or retain the license [~~approval~~];

21 (2) permits fraud or engages in a fraudulent practice
22 with reference to an application for [~~to~~] the license [~~agency~~];

23 (3) induces or countenances fraud or a fraudulent
24 practice by a person applying for a driver's license or permit;

25 (4) permits fraud or engages in a fraudulent practice
26 in an action between the applicant or license holder and the public;

27 or

1 (5) fails to comply with this chapter or rules adopted
2 under this chapter [~~of the state agency~~].

3 (b) Following denial of an application for a license or
4 the [~~]~~ suspension [~~]~~ or revocation of a license issued under this
5 chapter [~~cancellation of the approval of a program sponsor or an~~
6 ~~instructor~~], notice and opportunity for a hearing must be given as
7 provided by:

8 (1) Chapter 2001, Government Code; and

9 (2) Chapter 53, Occupations Code.

10 SECTION 8.009. Section 662.009, Transportation Code, is
11 amended to read as follows:

12 Sec. 662.009. RULES. The commission [~~designated state~~
13 ~~agency~~] may adopt rules to administer this chapter.

14 SECTION 8.010. Section 662.010, Transportation Code, is
15 amended to read as follows:

16 Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER LAW.
17 Chapter 1001, Education Code [~~332, Acts of the 60th Legislature,~~
18 ~~Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil~~
19 ~~Statutes)~~], does not apply to training offered or conducted under
20 this chapter.

21 SECTION 8.011. Section 662.011, Transportation Code, is
22 amended by amending Subsection (b) and adding Subsection (d) to
23 read as follows:

24 (b) Money deposited to the credit of the motorcycle
25 education fund account may be used only to defray the cost of:

26 (1) administering the motorcycle operator training
27 and safety program; [~~and~~]

1 (2) conducting the motorcyclist safety and share the
2 road campaign described by Section 201.621; and

3 (3) administering the grant program under Section
4 662.0115.

5 (d) The department may apply for and accept gifts, grants,
6 and donations from any organization to be deposited in the
7 motorcycle education fund account for the purpose of improving
8 motorcycle safety in this state.

9 SECTION 8.012. Chapter 662, Transportation Code, is amended
10 by adding Section 662.0115 to read as follows:

11 Sec. 662.0115. MOTORCYCLE SAFETY GRANT PROGRAM. (a) Using
12 money from the motorcycle education fund account, the department
13 may establish and administer a grant program to improve motorcycle
14 safety in this state.

15 (b) The department may award a person a grant to:

16 (1) promote the motorcycle operator training and
17 safety program or any other motorcycle safety program in this
18 state;

19 (2) increase the number of individuals seeking
20 motorcycle operator training or licensure as an instructor to
21 conduct motorcycle operator training; or

22 (3) support any other goal reasonably likely to
23 improve motorcycle safety in this state.

24 (c) To administer the grant program, the department shall
25 prescribe:

26 (1) grant application procedures;

27 (2) guidelines relating to grant amounts; and

1 (3) criteria for evaluating grant applications.

2 (d) The department shall consult with the motorcycle safety
3 advisory board regarding any proposal to award a grant under this
4 section.

5 (e) An institution of higher education is eligible to
6 receive a grant awarded under this section and, if applicable, may
7 use the grant money awarded to perform a duty imposed under Section
8 662.0064 or 662.013.

9 SECTION 8.013. Section 662.012, Transportation Code, is
10 amended to read as follows:

11 Sec. 662.012. REPORTS. (a) The department [~~designated~~
12 ~~state agency~~] shall require each motorcycle school [~~provider of a~~
13 ~~motorcycle operator training and safety program~~] to report on the
14 school's program in the form and manner prescribed by the
15 department [~~compile and forward to the agency each month a report on~~
16 ~~the provider's programs~~]. The report must include:

17 (1) the number and types of courses provided in the
18 reporting period;

19 (2) the number of persons who took each course in the
20 reporting period;

21 (3) the number of instructors available to provide
22 training under the school's [~~provider's~~] program in the reporting
23 period;

24 (4) information collected by surveying persons taking
25 each course as to the length of any waiting period the person
26 experienced before being able to enroll in the course;

27 (5) the number of persons on a waiting list for a

1 course at the end of the reporting period; and

2 (6) any other information the department [~~agency~~]
3 reasonably requires.

4 (b) The department [~~designated state agency~~] shall maintain
5 [~~a compilation of~~] the reports submitted under Subsection (a) on a
6 by-site basis. [~~The agency shall update the compilation as soon as~~
7 ~~practicable after the beginning of each month.~~]

8 (c) The department [~~designated state agency~~] shall provide
9 without charge a copy of the most recent reports submitted
10 [~~compilation~~] under Subsection (a) [~~(b)~~] to any member of the
11 legislature on request.

12 SECTION 8.014. Chapter 662, Transportation Code, is amended
13 by adding Section 662.013 to read as follows:

14 Sec. 662.013. RESEARCH, ADVOCACY, AND EDUCATION. The Texas
15 A&M Transportation Institute, in consultation with the department,
16 shall:

- 17 (1) research motorcycle safety in this state;
18 (2) provide advocacy on motorcycle safety issues in
19 this state; and
20 (3) provide education to the public on motorcycle
21 safety issues in this state.

22 SECTION 8.015. Section 663.001, Transportation Code, is
23 amended by amending Subdivision (1-b) and adding Subdivisions (1-c)
24 and (1-d) to read as follows:

25 (1-b) "Commission" means the Texas Commission of
26 Licensing and Regulation.

27 (1-c) "Department" means the Texas Department of

1 Licensing and Regulation.

2 (1-d) "Off-highway vehicle" means:

3 (A) an all-terrain vehicle or recreational
4 off-highway vehicle, as those terms are defined by Section 502.001;
5 or

6 (B) a utility vehicle.

7 SECTION 8.016. Section 663.011, Transportation Code, is
8 amended to read as follows:

9 Sec. 663.011. ADMINISTRATION OF PROGRAM [~~DESIGNATED~~
10 ~~DIVISION OR STATE AGENCY~~]. The department [~~governor~~] shall
11 [~~designate a division of the governor's office or a state agency to~~
12 ~~establish and~~] administer an off-highway vehicle operator
13 education and certification program and enforce the laws governing
14 the program.

15 SECTION 8.017. Section 663.013, Transportation Code, is
16 amended to read as follows:

17 Sec. 663.013. PROGRAM STANDARDS [~~OFF-HIGHWAY VEHICLE~~
18 ~~SAFETY COORDINATOR~~]. (a) The department [~~designated division or~~
19 ~~state agency shall employ an off-highway vehicle safety~~
20 ~~coordinator~~].

21 [~~(b) The coordinator~~] shall supervise the off-highway
22 vehicle operator education and certification program and shall
23 determine:

- 24 (1) locations at which courses will be offered;
25 (2) fees for the courses;
26 (3) qualifications of instructors;
27 (4) course curriculum; and

1 (5) standards for operator safety certification.

2 (b) [~~(c)~~] In establishing standards for instructors,
3 curriculum, and operator certification, the department
4 [~~coordinator~~] shall consult and be guided by standards established
5 by recognized off-highway vehicle safety organizations.

6 SECTION 8.018. Section 663.014, Transportation Code, is
7 amended to read as follows:

8 Sec. 663.014. CONTRACTS. To administer the education
9 program and certify off-highway vehicle operators, the department
10 [~~designated division or state agency~~] may contract with nonprofit
11 safety organizations, nonprofit educational organizations,
12 institutions of higher education, or agencies of local governments.

13 SECTION 8.019. Section 663.015(a), Transportation Code, is
14 amended to read as follows:

15 (a) If the department [~~off-highway vehicle safety~~
16 ~~coordinator~~] determines that vehicle operation is not feasible in a
17 program component or at a particular program location, the operator
18 education and certification program for persons who are at least 14
19 years of age may use teaching or testing methods that do not involve
20 the actual operation of an off-highway vehicle.

21 SECTION 8.020. Section 663.017, Transportation Code, is
22 amended to read as follows:

23 Sec. 663.017. DENIAL, SUSPENSION, OR CANCELLATION OF
24 APPROVAL. (a) The executive director or commission [~~designated~~
25 ~~division or state agency~~] may deny, suspend, or cancel its approval
26 for a program sponsor to conduct or for an instructor to teach a
27 course offered under this chapter if the applicant, sponsor, or

1 instructor:

2 (1) does not satisfy the requirements established
3 under this chapter to receive or retain approval;

4 (2) permits fraud or engages in fraudulent practices
5 with reference to an application to the department [~~division or~~
6 ~~agency~~];

7 (3) induces or countenances fraud or fraudulent
8 practices by a person applying for a driver's license or permit;

9 (4) permits or engages in a fraudulent practice in an
10 action between the applicant or license holder and the public; or

11 (5) fails to comply with rules of the department
12 [~~division or agency~~].

13 (b) Before the executive director or commission [~~designated~~
14 ~~division or agency~~] may deny, suspend, or cancel the approval of a
15 program sponsor or an instructor, notice and opportunity for a
16 hearing must be given as provided by:

17 (1) Chapter 2001, Government Code; and

18 (2) Chapter 53, Occupations Code.

19 SECTION 8.021. Section 663.018, Transportation Code, is
20 amended to read as follows:

21 Sec. 663.018. RULES. The commission [~~designated division~~
22 ~~or state agency~~] may adopt rules to administer this chapter.

23 SECTION 8.022. Section 663.019, Transportation Code, is
24 amended to read as follows:

25 Sec. 663.019. EXEMPTIONS. The commission [~~designated~~
26 ~~division or state agency~~] by rule may temporarily exempt the
27 residents of any county from Section 663.015 or from Section

1 663.031(a)(1) until the appropriate education and certification
2 program is established at a location that is reasonably accessible
3 to the residents of that county.

4 SECTION 8.023. Section 663.033(d), Transportation Code, is
5 amended to read as follows:

6 (d) The department or executive director [~~coordinator~~] may
7 exempt off-highway vehicles that are participating in certain
8 competitive events from the requirements of this section.

9 SECTION 8.024. Section 663.037(e), Transportation Code, is
10 amended to read as follows:

11 (e) The commission [~~director of the Department of Public~~
12 ~~Safety~~] shall adopt standards and specifications that apply to the
13 color, size, and mounting position of the flag required under
14 Subsections (d)(2) and (g)(2).

15 SECTION 8.025. Sections 662.002(b), 662.003, 662.004, and
16 662.007, Transportation Code, are repealed.

17 SECTION 8.026. (a) In this section:

18 (1) "Department" means the Department of Public
19 Safety.

20 (2) "Program" means the motorcycle operator training
21 and safety program established under Chapter 662, Transportation
22 Code, as that chapter existed before the effective date of this Act.

23 (b) As soon as practicable after the effective date of this
24 article and not later than August 31, 2020, the department shall
25 dispose of motorcycles and other equipment related to the program
26 that the department possesses or has leased to entities offering
27 training under the program. The plan must conform with the

1 requirements of Subsection (c) of this section.

2 (c) The department shall dispose of the motorcycles and
3 other equipment related to the program in the following manner:

4 (1) not later than February 28, 2020, the department
5 shall provide to any entity to whom the department leased a
6 motorcycle or other equipment related to the program a reasonable
7 period determined by the department to purchase from the department
8 or return the motorcycle or other equipment;

9 (2) after the expiration of the period described by
10 Subdivision (1) of this subsection, but not later than May 31, 2020,
11 the department shall:

12 (A) determine the need of the Texas Department of
13 Licensing and Regulation, the Texas A&M Transportation Institute,
14 and the Texas A&M Engineering Extension Service for motorcycles and
15 other equipment necessary to provide motorcycle operator training
16 for the instructors under the program; and

17 (B) subject to the need determined under
18 Paragraph (A) of this subdivision and the availability of
19 motorcycles and other equipment related to the program, transfer
20 the motorcycles and equipment to the Texas Department of Licensing
21 and Regulation, institute, or service under that paragraph, as
22 applicable; and

23 (3) after the determination and any transfer under
24 Subdivision (2) of this subsection, but not later than August 31,
25 2020, inform the Texas Facilities Commission under Section
26 [2175.182](#), Government Code, that any remaining motorcycles and
27 related equipment of the program are surplus or salvage property

1 and must be disposed of in accordance with Chapter 2175, Government
2 Code.

3 (d) Except for the fee described by Section 2175.188,
4 Government Code, all revenue generated by the disposition of
5 motorcycles and other equipment related to the program under this
6 section shall be deposited in the motorcycle education fund account
7 established under Section 662.011, Transportation Code.

8 (e) Not later than August 31, 2020, the department and the
9 Texas Department of Licensing and Regulation shall enter into a
10 memorandum of understanding regarding any property acquired by the
11 department by lease or purchase using money from the motorcycle
12 education fund account established under Section 662.011,
13 Transportation Code, to ensure that the Department of Public Safety
14 appropriately compensates the fund for those assets.

15 SECTION 8.027. (a) In this section:

16 (1) "Former administrator" means the Texas Department
17 of Public Safety.

18 (2) "Licensing commission" means the Texas Commission
19 of Licensing and Regulation.

20 (3) "Licensing department" means the Texas Department
21 of Licensing and Regulation.

22 (4) "Program" means the:

23 (A) motorcycle operator training and safety
24 program under Chapter 662, Transportation Code; and

25 (B) off-highway vehicle operator education and
26 certification program under Chapter 663, Transportation Code.

27 (b) On September 1, 2020:

1 (1) all functions and activities related to the
2 program performed by the former administrator immediately before
3 that date are transferred to the licensing department;

4 (2) all rules, fees, policies, procedures, decisions,
5 and forms related to the program adopted by the former
6 administrator are continued in effect as rules, fees, policies,
7 procedures, decisions, and forms of the licensing commission or the
8 licensing department, as applicable, and remain in effect until
9 amended or replaced by the licensing commission or licensing
10 department;

11 (3) a complaint, investigation, contested case, or
12 other proceeding related to the program before the former
13 administrator that is pending on September 1, 2020, is transferred
14 without change in status to the licensing department or the
15 licensing commission, as appropriate;

16 (4) all money, contracts, leases, property, and
17 obligations related to the program of the former administrator are
18 transferred to the licensing department;

19 (5) all property related to the program in the custody
20 of the former administrator is transferred to the licensing
21 department; and

22 (6) the unexpended and unobligated balance of any
23 money appropriated by the legislature for the former administrator
24 for the purpose of administering the program is transferred to the
25 licensing department.

26 (c) The former administrator shall provide the licensing
27 department with access to any systems or information necessary for

1 the department to accept the program transferred under this Act.

2 (d) A license or certificate issued by the former
3 administrator is continued in effect as a license or certificate of
4 the licensing department.

5 (e) On September 1, 2020, all full-time equivalent employee
6 positions at the former administrator that primarily concern the
7 administration or enforcement of the program become positions at
8 the licensing department.

9 SECTION 8.028. (a) Except as provided by Subsection (b) of
10 this section, this article takes effect September 1, 2020.

11 (b) Section 8.026 of this article takes effect immediately
12 if this Act receives a vote of two-thirds of all the members elected
13 to each house, as provided by Section 39, Article III, Texas
14 Constitution. If this Act does not receive the vote necessary for
15 immediate effect, Section 8.026 takes effect on the 91st day after
16 the last day of the legislative session.

17 ARTICLE 9. EFFECTIVE DATE

18 SECTION 9.001. Except as otherwise provided by this Act,
19 this Act takes effect September 1, 2019.