

1-1 By: Birdwell, et al. S.B. No. 616  
1-2 (In the Senate - Filed February 22, 2019; March 1, 2019,  
1-3 read first time and referred to Committee on Veteran Affairs &  
1-4 Border Security; April 9, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 April 9, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Campbell</u>	X		
1-10	<u>Hall</u>	X		
1-11	<u>Johnson</u>	X		
1-12	<u>Lucio</u>	X		
1-13	<u>Menéndez</u>	X		
1-14	<u>Schwertner</u>	X		
1-15	<u>Seliger</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 616 By: Hall

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the continuation and functions of the Department of  
1-20 Public Safety of the State of Texas, the conditional transfer of the  
1-21 driver licensing program to the Texas Department of Motor Vehicles,  
1-22 the abolition of the Texas Private Security Board, the transfer of  
1-23 the motorcycle and off-highway vehicle operator training programs  
1-24 to the Texas Department of Licensing and Regulation, and the  
1-25 regulation of other programs administered by the Department of  
1-26 Public Safety; imposing an administrative penalty; authorizing and  
1-27 repealing the authorization for fees.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 ARTICLE 1. CONTINUATION OF DEPARTMENT OF PUBLIC SAFETY AND  
1-30 MISCELLANEOUS ADMINISTRATIVE PROVISIONS

1-31 SECTION 1.001. Section 411.002(c), Government Code, is  
1-32 amended to read as follows:

1-33 (c) The Department of Public Safety of the State of Texas is  
1-34 subject to Chapter 325 (Texas Sunset Act). Unless continued in  
1-35 existence as provided by that chapter, the department is abolished  
1-36 and Subsections (a) and (b) expire September 1, 2031 ~~[2019]~~.

1-37 SECTION 1.002. Section 411.0031, Government Code, is  
1-38 amended by amending Subsection (b) and adding Subsection (d) to  
1-39 read as follows:

1-40 (b) The training program must provide the person with  
1-41 information regarding:

1-42 (1) the law governing ~~[legislation that created]~~ the  
1-43 department's operations ~~[department and the commission];~~

1-44 (2) the programs, functions, rules, and budget of  
1-45 ~~[operated by]~~ the department;

1-46 (3) the scope of and limitations on the rulemaking  
1-47 authority of the commission ~~[role and functions of the department];~~

1-48 (4) the results of the most recent formal audit  
1-49 ~~[rules] of the department~~ ~~[, with an emphasis on the rules that~~  
1-50 ~~relate to disciplinary and investigatory authority];~~

1-51 (5) ~~[the current budget for the department,~~  
1-52 ~~[(6) the results of the most recent formal audit of the~~  
1-53 ~~department,~~

1-54 ~~[(7)]~~ the requirements of:

1-55 (A) laws relating to ~~[the]~~ open meetings, law,  
1-56 ~~Chapter 551,~~

1-57 ~~[(B) the]~~ public information, law, ~~Chapter 552,~~

1-58 ~~[(C) the]~~ administrative procedure, law,  
1-59 ~~Chapter 2001,~~ and disclosing conflicts of interest

1-60 ~~[(D) other laws relating to public officials,~~

2-1 ~~including conflict of interest laws]; and~~  
 2-2 (B) other laws applicable to members of the  
 2-3 commission in performing their duties; and  
 2-4 (6) [(8)] any applicable ethics policies adopted by  
 2-5 the department or the Texas Ethics Commission.

2-6 (d) The director shall create a training manual that  
 2-7 includes the information required by Subsection (b). The director  
 2-8 shall distribute a copy of the training manual annually to each  
 2-9 member of the commission. Each member of the commission shall sign  
 2-10 and submit to the director a statement acknowledging that the  
 2-11 member received and has reviewed the training manual.

2-12 SECTION 1.003. Article 59.11, Code of Criminal Procedure,  
 2-13 is repealed.

2-14 ARTICLE 2. BORDER SECURITY

2-15 SECTION 2.001. Subchapter D, Chapter 411, Government Code,  
 2-16 is amended by adding Section 411.055 to read as follows:

2-17 Sec. 411.055. ANNUAL REPORT ON BORDER CRIME AND OTHER  
 2-18 CRIMINAL ACTIVITY. (a) Not later than January 30 of each year, the  
 2-19 department shall submit to the legislature a report on border crime  
 2-20 and other criminal activity. The report must include:

2-21 (1) statistics for each month of the preceding year  
 2-22 and yearly totals of all border crime, as defined by Section  
 2-23 772.0071, and other criminal activity, including transnational  
 2-24 criminal activity, the department determines relates to border  
 2-25 security that occurred in each county included in a department  
 2-26 region that is adjacent to the Texas-Mexico border; and

2-27 (2) statewide crime statistics for the crimes reported  
 2-28 under Subdivision (1).

2-29 (b) In compiling the information for the report, the  
 2-30 department shall use information available in the National  
 2-31 Incident-Based Reporting System of the Uniform Crime Reporting  
 2-32 Program of the Federal Bureau of Investigation and the Texas  
 2-33 Incident-Based Reporting System of the department.

2-34 ARTICLE 3. METAL RECYCLING, VEHICLE INSPECTION, AND PROVISIONS  
 2-35 APPLYING TO MORE THAN ONE REGULATORY PROGRAM

2-36 SECTION 3.001. Section 411.0891, Government Code, is  
 2-37 amended by amending Subsection (a) and adding Subsection (d) to  
 2-38 read as follows:

2-39 (a) Subject to Section 411.087, the department is  
 2-40 authorized to obtain and use criminal history record information  
 2-41 maintained by the Federal Bureau of Investigation or the department  
 2-42 that relates to a person who:

2-43 (1) is an applicant for or holds a registration issued  
 2-44 by the director under Subchapter C, Chapter 481, Health and Safety  
 2-45 Code, that authorizes the person to manufacture, distribute,  
 2-46 analyze, or conduct research with a controlled substance;

2-47 (2) is an applicant for or holds a registration issued  
 2-48 by the department under Chapter 487, Health and Safety Code, to be a  
 2-49 director, manager, or employee of a dispensing organization, as  
 2-50 defined by Section 487.001 [a chemical precursor transfer permit  
 2-51 issued by the director under Section 481.078], Health and Safety  
 2-52 Code;

2-53 (3) is an applicant for or holds an authorization  
 2-54 issued by the department under Section 521.2476, Transportation  
 2-55 Code, to do business in this state as a vendor of ignition interlock  
 2-56 devices [a chemical laboratory apparatus transfer permit issued by  
 2-57 the director under Section 481.081, Health and Safety Code];

2-58 (4) is an applicant for or holds certification by the  
 2-59 department as an inspection station or an inspector under  
 2-60 Subchapter G, Chapter 548, Transportation Code, holds an inspection  
 2-61 station or inspector certificate issued under that subchapter, or  
 2-62 is the owner of an inspection station operating under that chapter;  
 2-63 or

2-64 (5) is an applicant for or holds a certificate of  
 2-65 registration issued by the department under Chapter 1956,  
 2-66 Occupations Code, to act as a metal recycling entity [approval or  
 2-67 has been approved as a program sponsor by the department under  
 2-68 Chapter 662, Transportation Code, is an applicant for certification  
 2-69 by the department as an instructor under that chapter, or holds an

3-1 ~~instructor certificate issued under that chapter].~~  
3-2 (d) The department may require any person for whom the  
3-3 department is authorized to obtain and use criminal history record  
3-4 information maintained by the Federal Bureau of Investigation or  
3-5 the department under Subsection (a) to submit a complete and  
3-6 legible set of fingerprints to the department on a form prescribed  
3-7 by the department for the purpose of obtaining criminal history  
3-8 record information.

3-9 SECTION 3.002. Chapter 411, Government Code, is amended by  
3-10 adding Subchapters Q and R to read as follows:

3-11 SUBCHAPTER Q. POWERS AND DUTIES RELATED TO CERTAIN REGULATORY  
3-12 PROGRAMS

3-13 Sec. 411.501. DEFINITION. In this subchapter, "license"  
3-14 means a license, certificate, registration, permit, or other form  
3-15 of authorization required by law or a state agency rule that must be  
3-16 obtained by a person to engage in a particular activity, business,  
3-17 occupation, or profession.

3-18 Sec. 411.502. APPLICABILITY. This subchapter applies to a  
3-19 program, and persons regulated under the program, administered by  
3-20 the department under the following laws, including rules adopted  
3-21 under those laws:

- 3-22 (1) Section 411.0625;
- 3-23 (2) Chapter 487, Health and Safety Code;
- 3-24 (3) Chapter 1702, Occupations Code;
- 3-25 (4) Chapter 1956, Occupations Code;
- 3-26 (5) Section 521.2476, Transportation Code; and
- 3-27 (6) Subchapter G, Chapter 548, Transportation Code.

3-28 Sec. 411.503. FINAL ENFORCEMENT AUTHORITY. (a) Except as  
3-29 provided by Section 411.506(b), the commission shall make the final  
3-30 determination in an administrative action against a person for a  
3-31 violation of a law or rule governing a program or person subject to  
3-32 this subchapter.

3-33 (b) The commission may not delegate the duty under  
3-34 Subsection (a).

3-35 Sec. 411.504. COMPLAINTS. (a) The department shall  
3-36 maintain a system to promptly and efficiently act on complaints  
3-37 filed with the department regarding a violation of a law or rule  
3-38 governing a program or person subject to this subchapter. The  
3-39 department shall maintain information about parties to the  
3-40 complaint, the subject matter of the complaint, a summary of the  
3-41 results of the review or investigation of the complaint, and its  
3-42 disposition.

3-43 (b) The department shall make information available  
3-44 describing its procedures for complaint investigation and  
3-45 resolution.

3-46 (c) The department shall periodically notify the complaint  
3-47 parties of the status of the complaint until final disposition.

3-48 (d) On written request, the department shall inform the  
3-49 person filing the complaint and each person who is a subject of the  
3-50 complaint of the status of the investigation unless the information  
3-51 would jeopardize an ongoing investigation.

3-52 (e) The commission shall adopt rules to:

- 3-53 (1) implement this section; and
- 3-54 (2) establish a procedure for the investigation and  
3-55 resolution of complaints, including a procedure for documenting  
3-56 complaints to the department from the time of the submission of the  
3-57 initial complaint to the final disposition of the complaint.

3-58 Sec. 411.505. INVESTIGATIONS. The department may conduct  
3-59 investigations as necessary to enforce a law or rule governing a  
3-60 program or person subject to this subchapter.

3-61 Sec. 411.506. INFORMAL COMPLAINT RESOLUTION AND INFORMAL  
3-62 PROCEEDINGS. (a) The commission by rule shall establish  
3-63 procedures for the informal resolution of complaints filed with the  
3-64 department related to a violation of a law or rule governing a  
3-65 program or person subject to this subchapter, including procedures  
3-66 governing:

- 3-67 (1) informal disposition of a contested case under  
3-68 Section 2001.056; and
- 3-69 (2) an informal proceeding held in compliance with

4-1 Section 2001.054.

4-2 (b) Any settlement agreement arising from the procedures  
4-3 described by Subsection (a) must be approved by the director or the  
4-4 director's designee.

4-5 Sec. 411.507. LICENSE DENIAL; ADMINISTRATIVE SANCTION.

4-6 (a) This section applies to a person required to obtain a license  
4-7 under a program subject to this subchapter.

4-8 (b) The commission may deny an application for, revoke,  
4-9 suspend, or refuse to renew a license or may reprimand a license  
4-10 holder for a violation of a law or rule governing a program subject  
4-11 to this subchapter.

4-12 (c) The commission may place on probation a person whose  
4-13 license is suspended. If a license suspension is probated, the  
4-14 commission may require the person to:

4-15 (1) report regularly to the department on matters that  
4-16 are the basis of the probation;

4-17 (2) limit practice to the areas prescribed by the  
4-18 department; or

4-19 (3) continue or renew education until the person  
4-20 attains a degree of competency satisfactory to the commission in  
4-21 those areas that are the basis for the probation.

4-22 (d) The commission shall develop a penalty schedule for each  
4-23 program subject to this subchapter consisting of administrative  
4-24 sanctions authorized under Subsections (b) and (c) based on the  
4-25 severity and frequency of a violation of a law or rule related to  
4-26 the program.

4-27 Sec. 411.508. RIGHT TO NOTICE AND HEARING; ADMINISTRATIVE  
4-28 PROCEDURE. (a) For each program subject to this subchapter, a  
4-29 person is entitled to notice and a hearing if the commission  
4-30 proposes to:

4-31 (1) deny an application for, revoke, suspend, or  
4-32 refuse to renew a license;

4-33 (2) reprimand a license holder; or

4-34 (3) place a license holder on probation.

4-35 (b) A proceeding to impose an administrative sanction as  
4-36 described by Subsection (a) is a contested case under Chapter 2001.

4-37 (c) Unless otherwise provided by law, judicial review of an  
4-38 administrative sanction or penalty imposed by the commission is  
4-39 under the substantial evidence rule as provided by Subchapter G,  
4-40 Chapter 2001.

4-41 Sec. 411.509. CEASE AND DESIST ORDER. The department may  
4-42 issue a cease and desist order if the department determines that the  
4-43 action is necessary to prevent a violation of a law or rule  
4-44 governing a program or person subject to this subchapter.

4-45 Sec. 411.510. INJUNCTIVE RELIEF. (a) On request of the  
4-46 department, the attorney general shall institute an action for  
4-47 injunctive relief to restrain a person in violation of or  
4-48 threatening to violate a law or rule governing a program or person  
4-49 subject to this subchapter.

4-50 (b) An action filed under this section shall be filed in a  
4-51 district court in:

4-52 (1) Travis County; or

4-53 (2) the county in which the violation allegedly  
4-54 occurred or is threatened to occur.

4-55 (c) The attorney general may recover reasonable expenses  
4-56 incurred in obtaining injunctive relief under this section,  
4-57 including court costs, attorney's fees, investigative costs,  
4-58 witness fees, and deposition expenses.

4-59 Sec. 411.511. STAGGERED RENEWAL; PRORATION OF LICENSE FEE.

4-60 (a) The commission by rule may adopt a system under which licenses  
4-61 expire on various dates during the year.

4-62 (b) A license issued under a program governed by this  
4-63 subchapter may not expire later than the second anniversary of the  
4-64 date the license is issued.

4-65 (c) For the year in which the expiration date of a license is  
4-66 changed, the department shall prorate license fees on a monthly  
4-67 basis so that each license holder pays only that portion of the  
4-68 license fee that is allocable to the number of months during which  
4-69 the license is valid. On renewal of the license on the new

5-1 expiration date, the total license renewal fee is payable.  
 5-2 Sec. 411.512. ANNUAL REGULATORY REPORT. (a) The  
 5-3 department shall annually make available on the department's  
 5-4 Internet website a report of regulatory statistics for the  
 5-5 preceding state fiscal year for each program subject to this  
 5-6 subchapter and aggregate information on all the programs.  
 5-7 (b) The report must include, as applicable, information  
 5-8 regarding:  
 5-9 (1) the number of licenses issued under the program;  
 5-10 (2) the number and types of complaints received and  
 5-11 resolved by the department;  
 5-12 (3) the number of investigations conducted by the  
 5-13 department; and  
 5-14 (4) the number and types of disciplinary actions taken  
 5-15 by the department.  
 5-16 SUBCHAPTER R. ADMINISTRATIVE PENALTY  
 5-17 Sec. 411.521. DEFINITION. In this subchapter, "license"  
 5-18 has the meaning assigned by Section 411.501.  
 5-19 Sec. 411.522. APPLICABILITY. This subchapter applies to a  
 5-20 program, and persons regulated under the program, to which Section  
 5-21 411.502 applies.  
 5-22 Sec. 411.523. IMPOSITION OF PENALTY. The commission may  
 5-23 impose an administrative penalty against a person who violates:  
 5-24 (1) a law establishing a program subject to this  
 5-25 subchapter; or  
 5-26 (2) a rule adopted or order issued by the commission  
 5-27 under a law described by Subdivision (1).  
 5-28 Sec. 411.524. AMOUNT OF PENALTY. (a) If the relevant law  
 5-29 establishing a program subject to this subchapter does not state  
 5-30 the maximum amount of an administrative penalty under that law, the  
 5-31 amount of the penalty shall be assessed by the commission in an  
 5-32 amount not to exceed \$5,000 per day for each violation. Each day a  
 5-33 violation continues or occurs is a separate violation for purposes  
 5-34 of imposing a penalty.  
 5-35 (b) The amount of the penalty shall be based on:  
 5-36 (1) the seriousness of the violation;  
 5-37 (2) the respondent's history of previous violations;  
 5-38 (3) the amount necessary to deter a future violation;  
 5-39 (4) efforts made by the respondent to correct the  
 5-40 violation; and  
 5-41 (5) any other matter that justice may require.  
 5-42 (c) The commission shall establish a written enforcement  
 5-43 plan that provides notice to license holders of the specific ranges  
 5-44 of penalties that apply to specific alleged violations and the  
 5-45 criteria by which the department determines the amount of a  
 5-46 proposed administrative penalty.  
 5-47 Sec. 411.525. IMPOSITION OF SANCTION. A proceeding under  
 5-48 this subchapter imposing an administrative penalty may be combined  
 5-49 with a proceeding to impose an administrative sanction. If a  
 5-50 sanction is imposed in a proceeding under this subchapter, the  
 5-51 requirements of this subchapter apply to the imposition of the  
 5-52 sanction.  
 5-53 Sec. 411.526. NOTICE OF VIOLATION AND PENALTY. If, after  
 5-54 investigation of a possible violation and the facts surrounding the  
 5-55 possible violation, the department determines that a violation  
 5-56 occurred, the department shall issue to the respondent a notice of  
 5-57 alleged violation stating:  
 5-58 (1) a brief summary of the alleged violation;  
 5-59 (2) the amount of the recommended administrative  
 5-60 penalty; and  
 5-61 (3) that the respondent has the right to a hearing to  
 5-62 contest the alleged violation, the amount of the penalty, or both.  
 5-63 Sec. 411.527. PENALTY TO BE PAID OR HEARING REQUESTED.  
 5-64 (a) Not later than the 20th day after the date the respondent  
 5-65 receives the notice, the respondent may:  
 5-66 (1) accept the department's determination and  
 5-67 recommended administrative penalty; or  
 5-68 (2) make a written request for a hearing on that  
 5-69 determination.

6-1 (b) If the respondent accepts the department's  
 6-2 determination, the commission by order may approve the  
 6-3 determination and require the person to pay the recommended  
 6-4 penalty.

6-5 Sec. 411.528. HEARING ON RECOMMENDATIONS. (a) If the  
 6-6 respondent requests a hearing, the hearing shall be conducted by  
 6-7 the department or the State Office of Administrative Hearings.

6-8 (b) The State Office of Administrative Hearings shall  
 6-9 consider the department's applicable substantive rules and  
 6-10 policies when conducting a hearing under this subchapter.

6-11 (c) A department hearing officer or an administrative law  
 6-12 judge at the State Office of Administrative Hearings, as  
 6-13 applicable, shall:

6-14 (1) make findings of fact and conclusions of law; and

6-15 (2) promptly issue to the commission a proposal for  
 6-16 decision as to the occurrence of the violation and the amount of any  
 6-17 proposed administrative penalty.

6-18 Sec. 411.529. DECISION BY COMMISSION. (a) Based on the  
 6-19 findings of fact, conclusions of law, and proposal for decision,  
 6-20 the commission by order may determine that:

6-21 (1) a violation occurred and impose an administrative  
 6-22 penalty; or

6-23 (2) a violation did not occur.

6-24 (b) The department shall give notice of the order to the  
 6-25 respondent.

6-26 (c) The order under this section must include:

6-27 (1) separate statements of the findings of fact and  
 6-28 conclusions of law;

6-29 (2) the amount of any penalty imposed;

6-30 (3) a statement of the right of the respondent to  
 6-31 judicial review of the order; and

6-32 (4) any other information required by law.

6-33 Sec. 411.530. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.  
 6-34 (a) Not later than the 30th day after the date the commission's  
 6-35 order becomes final, the respondent shall:

6-36 (1) pay the penalty; or

6-37 (2) file a petition for judicial review contesting the  
 6-38 order and:

6-39 (A) forward the penalty to the department for  
 6-40 deposit in an escrow account; or

6-41 (B) give the department a supersedeas bond in a  
 6-42 form approved by the department that:

6-43 (i) is for the amount of the penalty; and

6-44 (ii) is effective until judicial review of  
 6-45 the decision is final.

6-46 (b) A respondent who is financially unable to comply with  
 6-47 Subsection (a)(2) is entitled to judicial review if the respondent  
 6-48 files with the court, as part of the respondent's petition for  
 6-49 judicial review, a sworn statement that the respondent is unable to  
 6-50 meet the requirements of Subsection (a)(2).

6-51 Sec. 411.531. COLLECTION OF PENALTY. If the person on whom  
 6-52 the administrative penalty is imposed violates Section 411.530(a),  
 6-53 the department or the attorney general may bring an action to  
 6-54 collect the penalty.

6-55 Sec. 411.532. REMITTANCE OF PENALTY AND INTEREST. (a) If,  
 6-56 after judicial review, the administrative penalty is reduced or not  
 6-57 imposed, the department shall:

6-58 (1) remit to the person the appropriate amount, plus  
 6-59 accrued interest, if the person paid the amount of the penalty; or

6-60 (2) execute a release of the bond, if the person posted  
 6-61 a supersedeas bond.

6-62 (b) The interest paid under Subsection (a)(1) is accrued at  
 6-63 the rate charged on loans to depository institutions by the New York  
 6-64 Federal Reserve Bank. The interest shall be paid for the period  
 6-65 beginning on the date the penalty is paid to the department and  
 6-66 ending on the date the penalty is remitted.

6-67 Sec. 411.533. ADMINISTRATIVE PROCEDURE. (a) The  
 6-68 commission by rule shall prescribe procedures for the determination  
 6-69 and appeal of a decision to impose an administrative penalty.

7-1 (b) A proceeding under this subchapter to impose an  
7-2 administrative penalty is a contested case under Chapter 2001.

7-3 SECTION 3.003. Section 1956.151, Occupations Code, is  
7-4 amended to read as follows:

7-5 Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.  
7-6 The commission [~~department~~] shall deny an application for a  
7-7 certificate of registration, suspend or revoke a certificate of  
7-8 registration, or reprimand a person who is registered under this  
7-9 chapter if the person:

7-10 (1) obtains a certificate of registration by means of  
7-11 fraud, misrepresentation, or concealment of a material fact;

7-12 (2) sells, barter, or offers to sell or barter a  
7-13 certificate of registration;

7-14 (3) violates a provision of this chapter or a rule  
7-15 adopted under this chapter; or

7-16 (4) violates Section 1956.021.

7-17 SECTION 3.004. Sections 548.405(a), (c), and (g),  
7-18 Transportation Code, are amended to read as follows:

7-19 (a) The commission [~~department~~] may deny a person's  
7-20 application for a certificate, revoke or suspend the certificate of  
7-21 a person, inspection station, or inspector, place on probation a  
7-22 person who holds a suspended certificate, or reprimand a person who  
7-23 holds a certificate if:

7-24 (1) the station or inspector conducts an inspection,  
7-25 fails to conduct an inspection, or issues a certificate:

7-26 (A) in violation of this chapter or a rule  
7-27 adopted under this chapter; or

7-28 (B) without complying with the requirements of  
7-29 this chapter or a rule adopted under this chapter;

7-30 (2) the person, station, or inspector commits an  
7-31 offense under this chapter or violates this chapter or a rule  
7-32 adopted under this chapter;

7-33 (3) the applicant or certificate holder does not meet  
7-34 the standards for certification under this chapter or a rule  
7-35 adopted under this chapter;

7-36 (4) the station or inspector does not maintain the  
7-37 qualifications for certification or does not comply with a  
7-38 certification requirement under this subchapter [~~Subchapter G~~];

7-39 (5) the certificate holder or the certificate holder's  
7-40 agent, employee, or representative commits an act or omission that  
7-41 would cause denial, revocation, or suspension of a certificate to  
7-42 an individual applicant or certificate holder; or

7-43 (6) the station or inspector does not pay a fee  
7-44 required by Subchapter H [~~or~~

7-45 ~~(7) the inspector or owner of an inspection station~~  
7-46 ~~is convicted of a:~~

7-47 [~~(A) felony or Class A or Class B misdemeanor,~~

7-48 [~~(B) similar crime under the jurisdiction of~~  
7-49 ~~another state or the federal government that is punishable to the~~  
7-50 ~~same extent as a felony or a Class A or Class B misdemeanor in this~~  
7-51 ~~state, or~~

7-52 [~~(C) crime under the jurisdiction of another~~  
7-53 ~~state or the federal government that would be a felony or a Class A~~  
7-54 ~~or Class B misdemeanor if the crime were committed in this state].~~

7-55 (c) If the commission [~~department~~] suspends a certificate  
7-56 because of a violation of Subchapter F, the suspension must be for a  
7-57 period of not less than six months. [~~The suspension may not be~~  
7-58 ~~probated or deferred.~~]

7-59 (g) The commission [~~department~~] may not suspend, revoke, or  
7-60 deny all certificates of a person who holds more than one inspection  
7-61 station certificate based on a suspension, revocation, or denial of  
7-62 one of that person's inspection station certificates without proof  
7-63 of culpability related to a prior action under this subsection.

7-64 SECTION 3.005. Subchapter G, Chapter 548, Transportation  
7-65 Code, is amended by adding Section 548.4055 to read as follows:

7-66 Sec. 548.4055. RULES REGARDING CRIMINAL CONVICTIONS. The  
7-67 commission shall adopt rules necessary to comply with Chapter 53,  
7-68 Occupations Code, with respect to the certification of persons  
7-69 under this subchapter. The commission's rules must list the

8-1 specific offenses for each category of persons regulated under this  
 8-2 subchapter for which a conviction would constitute grounds for the  
 8-3 commission to take action under Section 53.021, Occupations Code.

8-4 SECTION 3.006. Sections 548.407(d) and (e), Transportation  
 8-5 Code, are amended to read as follows:

8-6 (d) The commission [~~department~~] may provide that a  
 8-7 revocation or suspension takes effect on receipt of notice under  
 8-8 Subsection (b) if the commission [~~department~~] finds that the action  
 8-9 is necessary to prevent or remedy a threat to public health, safety,  
 8-10 or welfare. Violations that present a threat to public health,  
 8-11 safety, or welfare include:

8-12 (1) issuing a passing vehicle inspection report or  
 8-13 submitting inspection information to the department's database  
 8-14 with knowledge that the issuance or submission is in violation of  
 8-15 this chapter or rules adopted under this chapter;

8-16 (2) falsely or fraudulently representing to the owner  
 8-17 or operator of a vehicle that equipment inspected or required to be  
 8-18 inspected must be repaired, adjusted, or replaced for the vehicle  
 8-19 to pass an inspection;

8-20 (3) issuing a vehicle inspection report or submitting  
 8-21 inspection information to the department's database:

8-22 (A) without authorization to issue the report or  
 8-23 submit the information; or

8-24 (B) without inspecting the vehicle;

8-25 (4) issuing a passing vehicle inspection report or  
 8-26 submitting inspection information to the department's database for  
 8-27 a vehicle with knowledge that the vehicle has not been repaired,  
 8-28 adjusted, or corrected after an inspection has shown a repair,  
 8-29 adjustment, or correction to be necessary;

8-30 (5) knowingly issuing a passing vehicle inspection  
 8-31 report or submitting inspection information to the department's  
 8-32 database:

8-33 (A) for a vehicle without conducting an  
 8-34 inspection of each item required to be inspected; or

8-35 (B) for a vehicle that is missing an item  
 8-36 required to be inspected or that has an item required to be  
 8-37 inspected that is not in compliance with state law or department  
 8-38 rules;

8-39 (6) refusing to allow a vehicle's owner to have a  
 8-40 qualified person of the owner's choice make a required repair,  
 8-41 adjustment, or correction;

8-42 (7) charging for an inspection an amount greater than  
 8-43 the authorized fee;

8-44 (8) a violation of Subchapter F;

8-45 (9) a violation of Section 548.603; or

8-46 (10) a conviction of a felony or a Class A or B  
 8-47 misdemeanor that directly relates to or affects the duties or  
 8-48 responsibilities of a vehicle inspection station or inspector or a  
 8-49 conviction of a similar crime under the jurisdiction of another  
 8-50 state or the federal government.

8-51 (e) The commission may adopt rules to implement this  
 8-52 section. [~~For purposes of Subsection (d)(10), a person is~~  
 8-53 ~~convicted of an offense if a court enters against the person an~~  
 8-54 ~~adjudication of the person's guilt, including an order of probation~~  
 8-55 ~~or deferred adjudication.~~]

8-56 SECTION 3.007. Subchapter G, Chapter 548, Transportation  
 8-57 Code, is amended by adding Section 548.410 to read as follows:

8-58 Sec. 548.410. EXPIRATION OF CERTIFICATE. A certificate  
 8-59 issued to an inspector or an inspection station under this  
 8-60 subchapter expires as determined by the department under Section  
 8-61 411.511, Government Code, but not later than the second anniversary  
 8-62 of the date the certificate is issued.

8-63 SECTION 3.008. Section 548.506, Transportation Code, is  
 8-64 amended to read as follows:

8-65 Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR AND  
 8-66 INSPECTION STATION. The commission by rule shall establish  
 8-67 reasonable and necessary fees for certification as an inspector or  
 8-68 inspection station. [~~An applicant for certification as an~~  
 8-69 ~~inspector must submit with the applicant's first application a fee~~]

9-1 ~~of \$25 for certification until August 31 of the even-numbered year~~  
9-2 ~~following the date of certification. To be certified after August~~  
9-3 ~~31 of that year, the applicant must pay \$25 as a certificate fee for~~  
9-4 ~~each subsequent two-year period.]~~

9-5 SECTION 3.009. The following provisions are repealed:

- 9-6 (1) Sections 1956.014(b) and (c), Occupations Code;
- 9-7 (2) Sections 1956.041(b-2), (c), (d), (e), and (f),
- 9-8 Occupations Code;
- 9-9 (3) Section 1956.152, Occupations Code;
- 9-10 (4) Sections 548.405(b), (h), and (i), Transportation
- 9-11 Code;
- 9-12 (5) Section 548.406, Transportation Code;
- 9-13 (6) Sections 548.407(f), (g), (h), (i), (j), (k), and
- 9-14 (l), Transportation Code;
- 9-15 (7) Section 548.409, Transportation Code; and
- 9-16 (8) Section 548.507, Transportation Code.

9-17 SECTION 3.010. As soon as practicable after the effective  
9-18 date of this Act, the Public Safety Commission shall adopt rules  
9-19 necessary to implement the changes in law made by this Act to  
9-20 Chapter 411, Government Code, Chapter 1956, Occupations Code, and  
9-21 Chapter 548, Transportation Code.

9-22 SECTION 3.011. Section 411.0891, Government Code, and  
9-23 Sections 548.405 and 548.407, Transportation Code, as amended by  
9-24 this Act, apply only to an application for the issuance or renewal  
9-25 of a license submitted on or after the effective date of this Act.  
9-26 An application for the issuance or renewal of a license submitted  
9-27 before that date is governed by the law in effect on the date the  
9-28 application was submitted, and the former law is continued in  
9-29 effect for that purpose.

9-30 SECTION 3.012. Section 548.405(c), Transportation Code, as  
9-31 amended by this Act, applies only to a person placed on probation on  
9-32 or after the effective date of this Act. A person placed on  
9-33 probation before the effective date of this Act is governed by the  
9-34 law in effect on the date the person was placed on probation, and  
9-35 the former law is continued in effect for that purpose.

9-36 SECTION 3.013. Section 1956.041, Occupations Code, and  
9-37 Sections 548.405 and 548.407, Transportation Code, as amended by  
9-38 this Act, apply only to a proceeding initiated on or after the  
9-39 effective date of this Act. A proceeding initiated before the  
9-40 effective date of this Act is governed by the law in effect on the  
9-41 date the proceeding was initiated, and the former law is continued  
9-42 in effect for that purpose.

9-43 ARTICLE 4. CERTAIN PROGRAMS REGULATING CONTROLLED SUBSTANCES,  
9-44 PRECURSOR CHEMICALS, AND LABORATORY APPARATUSES

9-45 SECTION 4.001. Sections 481.077(c), (i), and (k), Health  
9-46 and Safety Code, are amended to read as follows:

9-47 (c) This section does ~~[and Section 481.078 do]~~ not apply to  
9-48 a person to whom a registration has been issued by the Federal Drug  
9-49 Enforcement Agency or who is exempt from such registration.

9-50 (i) A manufacturer, wholesaler, retailer, or other person  
9-51 who ~~[receives from a source outside this state a chemical precursor~~  
9-52 ~~subject to Subsection (a) or who]~~ discovers a loss or theft of a  
9-53 chemical precursor subject to Subsection (a) shall:

9-54 (1) submit a report of the transaction to the director  
9-55 in accordance with department rule; and

9-56 (2) include in the report:  
9-57 (A) any difference between the amount of the  
9-58 chemical precursor actually received and the amount of the chemical  
9-59 precursor shipped according to the shipping statement or invoice;  
9-60 or  
9-61 (B) the amount of the loss or theft.

9-62 (k) A ~~[Unless the person is the holder of only a permit~~  
9-63 ~~issued under Section 481.078(b)(1), a]~~ manufacturer, wholesaler,  
9-64 retailer, or other person who sells, transfers, or otherwise  
9-65 furnishes any chemical precursor subject to Subsection (a), or a  
9-66 ~~[permit holder,]~~ commercial purchaser~~[,]~~ or other person who  
9-67 receives a chemical precursor subject to Subsection (a):

9-68 (1) shall maintain records and inventories in  
9-69 accordance with rules established by the director;

10-1 (2) shall allow a member of the department or a peace  
 10-2 officer to conduct audits and inspect records of purchases and  
 10-3 sales and all other records made in accordance with this section at  
 10-4 any reasonable time; and

10-5 (3) may not interfere with the audit or with the full  
 10-6 and complete inspection or copying of those records.

10-7 SECTION 4.002. The heading to Section 481.080, Health and  
 10-8 Safety Code, is amended to read as follows:

10-9 Sec. 481.080. CHEMICAL LABORATORY APPARATUS RECORD-KEEPING  
 10-10 REQUIREMENTS ~~[AND PENALTIES]~~.

10-11 SECTION 4.003. Sections 481.080(d), (j), and (l), Health  
 10-12 and Safety Code, are amended to read as follows:

10-13 (d) This section does ~~[and Section 481.081 do]~~ not apply to  
 10-14 a person to whom a registration has been issued by the Federal Drug  
 10-15 Enforcement Agency or who is exempt from such registration.

10-16 (j) A manufacturer, wholesaler, retailer, or other person  
 10-17 who ~~[receives from a source outside this state a chemical~~  
 10-18 ~~laboratory apparatus subject to Subsection (a) or who]~~ discovers a  
 10-19 loss or theft of such an apparatus shall:

10-20 (1) submit a report of the transaction to the director  
 10-21 in accordance with department rule; and

10-22 (2) include in the report:

10-23 (A) any difference between the number of the  
 10-24 apparatus actually received and the number of the apparatus shipped  
 10-25 according to the shipping statement or invoice; or

10-26 (B) the number of the loss or theft.

10-27 (1) This subsection applies to a manufacturer, wholesaler,  
 10-28 retailer, or other person who sells, transfers, or otherwise  
 10-29 furnishes any chemical laboratory apparatus subject to Subsection  
 10-30 (a) and to a ~~[permit holder,]~~ commercial purchaser~~[,]~~ or other  
 10-31 person who receives such an apparatus ~~[unless the person is the~~  
 10-32 ~~holder of only a permit issued under Section 481.081(b)(1)]~~. A  
 10-33 person covered by this subsection:

10-34 (1) shall maintain records and inventories in  
 10-35 accordance with rules established by the director;

10-36 (2) shall allow a member of the department or a peace  
 10-37 officer to conduct audits and inspect records of purchases and  
 10-38 sales and all other records made in accordance with this section at  
 10-39 any reasonable time; and

10-40 (3) may not interfere with the audit or with the full  
 10-41 and complete inspection or copying of those records.

10-42 SECTION 4.004. Section 481.111(a), Health and Safety Code,  
 10-43 is amended to read as follows:

10-44 (a) The provisions of this chapter relating to the  
 10-45 possession and distribution of peyote do not apply to the use of  
 10-46 peyote by a member of the Native American Church in bona fide  
 10-47 religious ceremonies of the church or to ~~[. However,]~~ a person who  
 10-48 supplies the substance to the church ~~[must register and maintain~~  
 10-49 ~~appropriate records of receipts and disbursements in accordance~~  
 10-50 ~~with rules adopted by the director]~~. An exemption granted to a  
 10-51 member of the Native American Church under this section does not  
 10-52 apply to a member with less than 25 percent Indian blood.

10-53 SECTION 4.005. Section 481.136(a), Health and Safety Code,  
 10-54 is amended to read as follows:

10-55 (a) A person commits an offense if the person sells,  
 10-56 transfers, furnishes, or receives a chemical precursor subject to  
 10-57 Section 481.077(a) and the person:

10-58 (1) ~~[does not hold a chemical precursor transfer~~  
 10-59 ~~permit as required by Section 481.078 at the time of the~~  
 10-60 ~~transaction,~~

10-61 ~~[(2)]~~ does not comply with Section 481.077 or  
 10-62 481.0771;

10-63 (2) ~~[(3)]~~ knowingly makes a false statement in a  
 10-64 report or record required by Section 481.077 ~~or~~ 481.0771~~[, or~~  
 10-65 ~~481.078]~~; or

10-66 (3) ~~[(4)]~~ knowingly violates a rule adopted under  
 10-67 Section 481.077 ~~or~~ 481.0771~~[, or 481.078]~~.

10-68 SECTION 4.006. Section 481.138(a), Health and Safety Code,  
 10-69 is amended to read as follows:

11-1 (a) A person commits an offense if the person sells,  
 11-2 transfers, furnishes, or receives a chemical laboratory apparatus  
 11-3 subject to Section 481.080(a) and the person:

11-4 (1) ~~[(2)] does not have a chemical laboratory apparatus~~  
 11-5 ~~transfer permit as required by Section 481.081 at the time of the~~  
 11-6 ~~transaction;~~

11-7 [(2)] does not comply with Section 481.080;

11-8 (2) [(3)] knowingly makes a false statement in a  
 11-9 report or record required by Section 481.080 ~~[or 481.081]~~; or

11-10 (3) [(4)] knowingly violates a rule adopted under  
 11-11 Section 481.080 ~~[or 481.081]~~.

11-12 SECTION 4.007. Section 481.301, Health and Safety Code, is  
 11-13 amended to read as follows:

11-14 Sec. 481.301. IMPOSITION OF PENALTY. The department may  
 11-15 impose an administrative penalty on a person who violates Section  
 11-16 481.067, 481.077, 481.0771, or ~~[481.078,]~~ 481.080 ~~[, or 481.081]~~ or  
 11-17 a rule or order adopted under any of those sections.

11-18 SECTION 4.008. Section 487.053(b), Health and Safety Code,  
 11-19 is amended to read as follows:

11-20 (b) Subject to Section 411.503, Government Code, the ~~[The]~~  
 11-21 department shall enforce compliance of licensees and registrants  
 11-22 and shall adopt procedures for suspending or revoking a license or  
 11-23 registration issued under this chapter and for renewing a license  
 11-24 or registration issued under this chapter.

11-25 SECTION 4.009. Sections 487.104(b) and (c), Health and  
 11-26 Safety Code, are amended to read as follows:

11-27 (b) If the department denies the issuance or renewal of a  
 11-28 license under Subsection (a), the applicant is entitled to a  
 11-29 hearing. Chapter 2001, Government Code, applies to a proceeding  
 11-30 under this section. ~~[The department shall give written notice of~~  
 11-31 ~~the grounds for denial to the applicant at least 30 days before the~~  
 11-32 ~~date of the hearing.]~~

11-33 (c) A license issued or renewed under this section expires  
 11-34 as determined by the department in accordance with Section 411.511,  
 11-35 Government Code [on the second anniversary of the date of issuance  
 11-36 or renewal, as applicable].

11-37 SECTION 4.010. Section 487.105(c), Health and Safety Code,  
 11-38 is amended to read as follows:

11-39 (c) The department shall conduct a criminal history  
 11-40 background check on each individual whose name is provided to the  
 11-41 department under Subsection (a) or (b). The director by rule shall:

11-42 (1) require each individual whose name is provided to  
 11-43 the department under Subsection (a) or (b) [determine the manner by  
 11-44 which an individual is required] to submit a complete set of  
 11-45 fingerprints to the department on a form prescribed by the  
 11-46 department for purposes of a criminal history background check  
 11-47 under this section; and

11-48 (2) establish criteria for determining whether an  
 11-49 individual passes the criminal history background check for the  
 11-50 purposes of this section.

11-51 SECTION 4.011. The following provisions of the Health and  
 11-52 Safety Code are repealed:

11-53 (1) Sections 481.077(e), (f), (g), and (h);

11-54 (2) Section 481.078;

11-55 (3) Sections 481.080(f), (g), (h), and (i); and

11-56 (4) Section 481.081.

11-57 SECTION 4.012. As soon as practicable after the effective  
 11-58 date of this Act, the public safety director of the Department of  
 11-59 Public Safety shall adopt rules to implement the changes made by  
 11-60 Section 487.105(c), Health and Safety Code, as amended by this Act.

11-61 SECTION 4.013. The changes in law made by this Act to  
 11-62 Chapter 481, Health and Safety Code, apply only to an offense or  
 11-63 violation committed on or after the effective date of this Act. An  
 11-64 offense or violation committed before the effective date of this  
 11-65 Act is governed by the law in effect on the date the offense or  
 11-66 violation was committed, and the former law is continued in effect  
 11-67 for that purpose. For purposes of this section, an offense or  
 11-68 violation was committed before the effective date of this Act if any  
 11-69 element of the offense or violation occurred before that date.

12-1 SECTION 4.014. On the effective date of this Act, a permit  
12-2 issued under former Section 481.078 or 481.081, Health and Safety  
12-3 Code, expires.

12-4 ARTICLE 5. PRIVATE SECURITY

12-5 SECTION 5.001. Section 1702.002, Occupations Code, is  
12-6 amended by amending Subdivisions (2), (5), (5-a), (17), and (21)  
12-7 and adding Subdivisions (4), (5-b), (5-c), and (8-a) to read as  
12-8 follows:

12-9 (2) "Branch office" means an office that is:

12-10 (A) identified to the public as a place from  
12-11 which business is conducted, solicited, or advertised; and

12-12 (B) at a place other than the principal place of  
12-13 business as shown in department ~~[board]~~ records.

12-14 (4) "Commission" means the Public Safety Commission.

12-15 (5) "Commissioned security officer" means a security  
12-16 officer to whom a security officer commission has been issued by the  
12-17 department ~~[board]~~.

12-18 (5-a) "Committee" means the Texas Private Security  
12-19 Advisory Committee established under this chapter.

12-20 (5-b) "Company license" means a license issued by the  
12-21 department that entitles a person to operate as a security services  
12-22 contractor or investigations company.

12-23 (5-c) "Department" means the Department of Public  
12-24 Safety of the State of Texas.

12-25 (8-a) "Individual license" means a license issued by  
12-26 the department that entitles an individual to perform a service  
12-27 regulated by this chapter for a company license holder, including a  
12-28 personal protection officer license.

12-29 (17) "Personal protection officer license  
12-30 [~~endorsement~~]" means a license [~~permit~~] issued by the department  
12-31 [~~board~~] that entitles an individual to act as a personal protection  
12-32 officer.

12-33 (21) "Security officer commission" means an  
12-34 authorization issued by the department ~~[board]~~ that entitles a  
12-35 security officer to carry a firearm.

12-36 SECTION 5.002. Section 1702.004, Occupations Code, is  
12-37 amended to read as follows:

12-38 Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The  
12-39 department ~~[board, in addition to performing duties required by  
12-40 other law or exercising powers granted by other law]~~:

12-41 (1) licenses investigations companies and security  
12-42 services contractors;

12-43 (2) issues commissions to certain security officers;

12-44 (3) licenses [~~issues endorsements to~~] certain  
12-45 security officers engaged in the personal protection of  
12-46 individuals;

12-47 (4) licenses [~~registers and endorses~~]:

12-48 (A) certain individuals connected with a company  
12-49 license holder; and

12-50 (B) certain individuals employed in a field  
12-51 connected to private investigation or private security; and

12-52 (5) regulates company license holders, security  
12-53 officers, [~~registrants,~~] and individual license [~~endorsement~~]  
12-54 holders under this chapter.

12-55 (b) The commission ~~[board]~~ shall adopt rules necessary to  
12-56 comply with Chapter 53. In its rules under this section, the  
12-57 commission ~~[board]~~ shall list the specific offenses for each  
12-58 category of regulated persons for which a conviction would  
12-59 constitute grounds for the department ~~[board]~~ to take action under  
12-60 Section 53.021.

12-61 SECTION 5.003. Section 1702.005, Occupations Code, is  
12-62 amended to read as follows:

12-63 Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY; REFERENCES.

12-64 (a) [~~The board created under Section 1702.021 is a part of the  
12-65 department.~~] The department shall administer this chapter [~~through  
12-66 the board~~].

12-67 (b) A reference in this chapter or another law to the Texas  
12-68 Commission on Private Security or the Texas Private Security Board  
12-69 means the department ~~[board]~~.

13-1 SECTION 5.004. The heading to Subchapter B, Chapter 1702,  
 13-2 Occupations Code, is amended to read as follows:

13-3 SUBCHAPTER B. TEXAS PRIVATE SECURITY ADVISORY COMMITTEE [~~BOARD~~]

13-4 SECTION 5.005. Section 1702.021, Occupations Code, is  
 13-5 amended to read as follows:

13-6 Sec. 1702.021. COMMITTEE [~~BOARD~~] MEMBERSHIP; APPLICABILITY  
 13-7 OF OTHER LAW. (a) The Texas Private Security Advisory Committee  
 13-8 [~~Board~~] consists of seven members appointed by the commission  
 13-9 [~~governor with the advice and consent of the senate~~] as follows:

13-10 (1) three public members, each of whom is a citizen of  
 13-11 the United States;

13-12 (2) one member who is licensed under this chapter as a  
 13-13 private investigator;

13-14 (3) one member who is licensed under this chapter as an  
 13-15 alarm systems company;

13-16 (4) one member who is licensed under this chapter as  
 13-17 the owner or operator of a guard company; and

13-18 (5) one member who is licensed under this chapter as a  
 13-19 locksmith.

13-20 (b) Appointments to the committee [~~board~~] shall be made  
 13-21 without regard to the race, color, disability, sex, religion, age,  
 13-22 or national origin of the appointee.

13-23 (c) Chapter 2110, Government Code, does not apply to the  
 13-24 size, composition, or duration of the advisory committee or to the  
 13-25 appointment of the committee's presiding officer.

13-26 SECTION 5.006. Section 1702.023, Occupations Code, is  
 13-27 amended to read as follows:

13-28 Sec. 1702.023. ELIGIBILITY OF PUBLIC MEMBERS. The  
 13-29 committee's [~~board's~~] public members must be representatives of the  
 13-30 general public. A person may not be a public member of the  
 13-31 committee [~~board~~] if the person or the person's spouse:

13-32 (1) is registered, commissioned, certified, or  
 13-33 licensed by a regulatory agency in the field of private  
 13-34 investigations or private security;

13-35 (2) is employed by or participates in the management  
 13-36 of a business entity or other organization regulated by or  
 13-37 receiving money from the department [~~board~~];

13-38 (3) owns or controls, directly or indirectly, more  
 13-39 than a 10 percent interest in a business entity or other  
 13-40 organization regulated by or receiving money from the department  
 13-41 [~~board~~]; or

13-42 (4) uses or receives a substantial amount of tangible  
 13-43 goods, services, or money from the department [~~board~~] other than  
 13-44 compensation or reimbursement authorized by law for committee  
 13-45 [~~board~~] membership, attendance, or expenses.

13-46 SECTION 5.007. Sections 1702.024(b) and (c), Occupations  
 13-47 Code, are amended to read as follows:

13-48 (b) A person may not be a committee [~~board~~] member, and may  
 13-49 not be a department employee whose primary duties include private  
 13-50 security regulation and who is employed in a "bona fide executive,  
 13-51 administrative, or professional capacity," as that phrase is used  
 13-52 for purposes of establishing an exemption to the overtime  
 13-53 provisions of the federal Fair Labor Standards Act of 1938 (29  
 13-54 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

13-55 (1) the person is an officer, employee, or paid  
 13-56 consultant of a Texas trade association in the field of private  
 13-57 investigation or private security; or

13-58 (2) the person's spouse is an officer, manager, or paid  
 13-59 consultant of a Texas trade association in the field of private  
 13-60 investigation or private security.

13-61 (c) A person may not be a committee [~~board~~] member or act as  
 13-62 general counsel to the committee or department [~~board or agency~~] if  
 13-63 the person is required to register as a lobbyist under Chapter 305,  
 13-64 Government Code, because of the person's activities for  
 13-65 compensation on behalf of a profession related to the operation of  
 13-66 the committee [~~agency~~].

13-67 SECTION 5.008. Section 1702.025, Occupations Code, is  
 13-68 amended to read as follows:

13-69 Sec. 1702.025. TERMS; VACANCIES. (a) The committee

14-1 [~~board~~] members serve staggered six-year terms, with the terms of  
 14-2 two or three members expiring on January 31 of each odd-numbered  
 14-3 year.

14-4 (b) If a vacancy occurs during the term of a committee  
 14-5 [~~board~~] member, the commission [~~governor~~] shall appoint a new  
 14-6 member to fill the unexpired term.

14-7 SECTION 5.009. Section 1702.026, Occupations Code, is  
 14-8 amended to read as follows:

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

14-15 (b) The committee [~~board~~] shall elect from among its members  
 14-16 an assistant presiding officer and a secretary to serve two-year  
 14-17 terms beginning on September 1 of each odd-numbered year.

14-18 (c) The presiding officer of the committee [~~board~~] or, in  
 14-19 the absence of the presiding officer, the assistant presiding  
 14-20 officer shall preside at each committee [~~board~~] meeting and perform  
 14-21 the other duties prescribed by this chapter.

14-22 SECTION 5.010. Sections 1702.027(a) and (b), Occupations  
 14-23 Code, are amended to read as follows:

14-24 (a) It is a ground for removal from the committee [~~board~~]  
 14-25 that a member:

14-26 (1) does not have the qualifications required by  
 14-27 Section 1702.021 at the time of appointment [~~taking office~~];

14-28 (2) does not maintain the qualifications required by  
 14-29 Section 1702.021 during service on the committee [~~board~~];

14-30 (3) is ineligible for membership under Section  
 14-31 1702.023 or 1702.024;

14-32 (4) cannot, because of illness or disability,  
 14-33 discharge the member's duties for a substantial part of the member's  
 14-34 term; or

14-35 (5) is absent from more than half of the regularly  
 14-36 scheduled committee [~~board~~] meetings that the member is eligible to  
 14-37 attend during a calendar year without an excuse approved by a  
 14-38 majority vote of the committee [~~board~~].

14-39 (b) The validity of an action of the committee [~~board~~] is  
 14-40 not affected by the fact that it is taken when a ground for removal  
 14-41 of a committee [~~board~~] member exists.

14-42 SECTION 5.011. Section 1702.029, Occupations Code, is  
 14-43 amended to read as follows:

14-44 Sec. 1702.029. MEETINGS. The committee [~~board~~] shall meet  
 14-45 at least quarterly [~~at regular intervals to be decided by the~~  
 14-46 ~~board~~].

14-47 SECTION 5.012. Subchapter B, Chapter 1702, Occupations  
 14-48 Code, is amended by adding Sections 1702.031 and 1702.032 to read as  
 14-49 follows:

14-50 Sec. 1702.031. DUTIES OF ADVISORY COMMITTEE. The committee  
 14-51 shall provide advice and recommendations to the department and  
 14-52 commission on technical matters relevant to the administration of  
 14-53 this chapter and the regulation of private security industries.

14-54 Sec. 1702.032. COMMISSION LIAISON. The commission shall  
 14-55 designate a commission member to serve as a liaison to the  
 14-56 committee.

14-57 SECTION 5.013. Section 1702.041, Occupations Code, is  
 14-58 amended to read as follows:

14-59 Sec. 1702.041. CHIEF ADMINISTRATOR. (a) The chief  
 14-60 administrator is responsible for the administration of this chapter  
 14-61 under the direction of the public safety director [~~board~~]. The  
 14-62 chief administrator shall perform duties as prescribed by the  
 14-63 public safety director [~~board and the department~~].

14-64 (b) The chief administrator is a full-time employee of the  
 14-65 department. A committee [~~board~~] member may not serve as chief  
 14-66 administrator.

14-67 SECTION 5.014. Section 1702.044, Occupations Code, is  
 14-68 amended to read as follows:

14-69 Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT

15-1 INFORMATION. The chief administrator or the chief administrator's  
 15-2 designee shall provide to committee [~~board~~] members and to  
 15-3 department [~~agency~~] employees, as often as necessary, information  
 15-4 regarding the requirements for service as a committee member  
 15-5 [~~office~~] or employment under this chapter, including information  
 15-6 regarding a person's responsibilities under applicable laws  
 15-7 relating to standards of conduct for state officers or employees.

15-8 SECTION 5.015. The heading to Subchapter D, Chapter 1702,  
 15-9 Occupations Code, is amended to read as follows:

15-10 SUBCHAPTER D. POWERS AND DUTIES [~~OF BOARD~~]

15-11 SECTION 5.016. Section 1702.061, Occupations Code, is  
 15-12 amended to read as follows:

15-13 Sec. 1702.061. GENERAL POWERS AND DUTIES [~~OF BOARD~~].  
 15-14 (a) [~~The board shall perform the functions and duties provided by~~  
 15-15 ~~this chapter.~~

15-16 [~~(b)~~] The commission [~~board~~] shall adopt rules and general  
 15-17 policies to guide the department [~~agency~~] in the administration of  
 15-18 this chapter.

15-19 (b) [~~(c)~~] The rules and policies adopted by the commission  
 15-20 [~~board~~] under Subsection (a) [~~(b)~~] must be consistent with this  
 15-21 chapter and other commission [~~board~~] rules adopted under this  
 15-22 chapter and with any other applicable law, state rule, or federal  
 15-23 regulation.

15-24 (c) [~~(d)~~] The commission [~~board~~] has the powers and duties  
 15-25 to:

15-26 (1) determine the qualifications of company license  
 15-27 holders, individual license holders [~~registrants, endorsement~~  
 15-28 ~~holders~~], and commissioned security officers;

15-29 (2) investigate alleged violations of this chapter and  
 15-30 of commission [~~board~~] rules;

15-31 (3) adopt rules necessary to implement this chapter;  
 15-32 and

15-33 (4) establish and enforce standards governing the  
 15-34 safety and conduct of each person regulated [~~licensed, registered,~~  
 15-35 ~~or commissioned~~] under this chapter.

15-36 [~~(e) The board shall have a seal in the form prescribed by~~  
 15-37 ~~the board.~~]

15-38 SECTION 5.017. Section 1702.062, Occupations Code, is  
 15-39 amended to read as follows:

15-40 Sec. 1702.062. FEES. (a) The commission [~~board~~] by rule  
 15-41 shall establish reasonable and necessary fees that produce  
 15-42 sufficient revenue to administer this chapter. The fees may not  
 15-43 produce unnecessary fund balances.

15-44 (b) The department [~~board~~] may charge a fee each time the  
 15-45 department [~~board~~] requires a person regulated under this chapter  
 15-46 to resubmit a set of fingerprints for processing by the department  
 15-47 [~~board~~] during the application process for a company license,  
 15-48 individual license, [~~registration, endorsement,~~] or security  
 15-49 officer commission. The commission [~~board~~] shall set the fee in an  
 15-50 amount that is reasonable and necessary to cover the administrative  
 15-51 expenses related to processing the fingerprints.

15-52 (c) A person whose pocket card has not expired is not  
 15-53 eligible to receive from the department [~~board~~] another pocket card  
 15-54 in the same classification in which the pocket card is held.

15-55 SECTION 5.018. The heading to Section 1702.063, Occupations  
 15-56 Code, is amended to read as follows:

15-57 Sec. 1702.063. [~~BOARD~~] USE OF FINES.

15-58 SECTION 5.019. Section 1702.0635, Occupations Code, is  
 15-59 amended to read as follows:

15-60 Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The  
 15-61 commission [~~board~~] may not adopt rules or establish unduly  
 15-62 restrictive experience or education requirements that limit a  
 15-63 person's ability to be licensed as an electronic access control  
 15-64 device company or be licensed [~~registered~~] as an electronic access  
 15-65 control device installer.

15-66 SECTION 5.020. Section 1702.064, Occupations Code, is  
 15-67 amended to read as follows:

15-68 Sec. 1702.064. RULES RESTRICTING ADVERTISING OR  
 15-69 COMPETITIVE BIDDING. (a) The commission [~~board~~] may not adopt

16-1 rules restricting advertising or competitive bidding by a person  
16-2 regulated under this chapter [~~by the board~~] except to prohibit  
16-3 false, misleading, or deceptive practices by the person.

16-4 (b) The commission [~~board~~] may not include in its rules to  
16-5 prohibit false, misleading, or deceptive practices by a person  
16-6 regulated under this chapter [~~by the board~~] a rule that:

16-7 (1) restricts the person's use of any medium for  
16-8 advertising;

16-9 (2) restricts the person's personal appearance or use  
16-10 of the person's personal voice in an advertisement;

16-11 (3) relates to the size or duration of an  
16-12 advertisement by the person; or

16-13 (4) restricts the person's advertisement under a trade  
16-14 name.

16-15 SECTION 5.021. Section 1702.0645, Occupations Code, is  
16-16 amended to read as follows:

16-17 Sec. 1702.0645. PAYMENT OF FEES AND FINES. (a) The  
16-18 commission [~~board~~] may adopt rules regarding the method of payment  
16-19 of a fee or a fine assessed under this chapter.

16-20 (b) Rules adopted under this section may:

16-21 (1) authorize the use of electronic funds transfer or  
16-22 a valid credit card issued by a financial institution chartered by a  
16-23 state or the federal government or by a nationally recognized  
16-24 credit organization approved by the department [~~board~~]; and

16-25 (2) require the payment of a discount or a reasonable  
16-26 service charge for a credit card payment in addition to the fee or  
16-27 the fine.

16-28 SECTION 5.022. Section 1702.067, Occupations Code, is  
16-29 amended to read as follows:

16-30 Sec. 1702.067. [~~BOARD~~] RECORDS; EVIDENCE. An official  
16-31 record of the department related to this chapter [~~board~~] or an  
16-32 affidavit by the chief administrator as to the content of the record  
16-33 is prima facie evidence of a matter required to be kept by the  
16-34 department [~~board~~].

16-35 SECTION 5.023. Section 1702.068, Occupations Code, is  
16-36 amended to read as follows:

16-37 Sec. 1702.068. APPEAL BOND NOT REQUIRED. The department  
16-38 [~~board~~] is not required to give an appeal bond in any cause arising  
16-39 under this chapter.

16-40 SECTION 5.024. The heading to Subchapter E, Chapter 1702,  
16-41 Occupations Code, is amended to read as follows:

16-42 SUBCHAPTER E. PUBLIC INTEREST INFORMATION [~~AND COMPLAINT~~  
16-43 ~~PROCEDURES~~]

16-44 SECTION 5.025. Section 1702.084, Occupations Code, is  
16-45 amended to read as follows:

16-46 Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF  
16-47 DISCIPLINARY ACTIONS. (a) The department [~~board~~] shall make  
16-48 available to the public through a toll-free telephone number,  
16-49 Internet website, or other easily accessible medium determined by  
16-50 the department [~~board~~] the following information relating to a  
16-51 disciplinary action taken during the preceding three years  
16-52 regarding a person regulated under this chapter [~~by the board~~]:

16-53 (1) the identity of the person;

16-54 (2) the nature of the complaint that was the basis of  
16-55 the disciplinary action taken against the person; and

16-56 (3) the disciplinary action taken by the commission  
16-57 [~~board~~].

16-58 (b) In providing the information, the department [~~board~~]  
16-59 shall present the information in an impartial manner, use language  
16-60 that is commonly understood, and, if possible, avoid jargon  
16-61 specific to the security industry.

16-62 (c) The department [~~board~~] shall update the information on a  
16-63 monthly basis.

16-64 (d) The department [~~board~~] shall maintain the  
16-65 confidentiality of information regarding the identification of a  
16-66 complainant.

16-67 SECTION 5.026. Section 1702.085, Occupations Code, is  
16-68 amended to read as follows:

16-69 Sec. 1702.085. CONFIDENTIALITY OF RECORDS. Records

17-1 maintained by the department under this chapter on the home  
 17-2 address, home telephone number, driver's license number, or social  
 17-3 security number of an applicant or a company license holder,  
 17-4 individual license holder [~~registrant~~], or security officer  
 17-5 commission holder are confidential and are not subject to mandatory  
 17-6 disclosure under Chapter 552, Government Code.

17-7 SECTION 5.027. Section 1702.102(a), Occupations Code, is  
 17-8 amended to read as follows:

17-9 (a) Unless the person holds a license as a security services  
 17-10 contractor, a person may not:

17-11 (1) act as an alarm systems company, armored car  
 17-12 company, courier company, guard company, or [~~guard dog company,~~  
 17-13 locksmith company], or private security consultant company];

17-14 (2) offer to perform the services of a company in  
 17-15 Subdivision (1); or

17-16 (3) engage in business activity for which a license is  
 17-17 required under this chapter.

17-18 SECTION 5.028. Section 1702.1025(b), Occupations Code, is  
 17-19 amended to read as follows:

17-20 (b) A person licensed as an electronic access control device  
 17-21 company may not install alarm systems unless otherwise licensed [~~or~~  
 17-22 ~~registered~~] to install alarm systems under this chapter.

17-23 SECTION 5.029. Section 1702.103, Occupations Code, is  
 17-24 amended to read as follows:

17-25 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF COMPANY  
 17-26 LICENSES. (a) The company license classifications are:

17-27 (1) Class A: investigations company license, covering  
 17-28 operations of an investigations company;

17-29 (2) Class B: security services contractor license,  
 17-30 covering operations of a security services contractor;

17-31 (3) Class C: covering the operations included within  
 17-32 Class A and Class B;

17-33 (4) Class F: level III training school license; and

17-34 (5) Class O: alarm level I training school license[~~,~~

17-35 [~~(6) Class P: private business letter of authority~~  
 17-36 ~~license,~~

17-37 [~~(7) Class X: government letter of authority license,~~

17-38 ~~and~~

17-39 [~~(8) Class T: telematics license~~].

17-40 (b) A company license described by this chapter does not  
 17-41 authorize the company license holder to perform a service for which  
 17-42 the company license holder has not qualified. A person may not  
 17-43 engage in an operation outside the scope of that person's company  
 17-44 license. The department [~~board~~] shall indicate on the company  
 17-45 license the services the company license holder is authorized to  
 17-46 perform. The company license holder may not perform a service  
 17-47 unless it is indicated on the company license.

17-48 (c) A company license is not assignable unless the  
 17-49 assignment is approved in advance by the department [~~board~~].

17-50 (d) The commission [~~board~~] shall prescribe by rule the  
 17-51 procedure under which a company license may be terminated.

17-52 (e) The commission [~~board~~] by rule may establish other  
 17-53 company license classifications for activities expressly regulated  
 17-54 by this chapter and may establish qualifications and practice  
 17-55 requirements consistent with this chapter for those company license  
 17-56 classifications.

17-57 SECTION 5.030. Section 1702.110, Occupations Code, is  
 17-58 amended to read as follows:

17-59 Sec. 1702.110. APPLICATION FOR COMPANY LICENSE. (a) An  
 17-60 application for a company license under this chapter must be in the  
 17-61 form prescribed by the department [~~board~~] and include:

17-62 (1) the full name and business address of the  
 17-63 applicant;

17-64 (2) the name under which the applicant intends to do  
 17-65 business;

17-66 (3) a statement as to the general nature of the  
 17-67 business in which the applicant intends to engage;

17-68 (4) a statement as to the classification for which the  
 17-69 applicant requests qualification;

18-1 (5) if the applicant is an entity other than an  
 18-2 individual, the full name and residence address of each partner,  
 18-3 officer who oversees the security-related aspects of the business,  
 18-4 and director of the applicant~~[, and of the applicant's manager];~~

18-5 (6) if the applicant is an individual, the  
 18-6 fingerprints of the applicant or, if the applicant is an entity  
 18-7 other than an individual, of each officer who oversees the  
 18-8 security-related aspects of the business and of each partner or  
 18-9 shareholder who owns at least a 25 percent interest in the  
 18-10 applicant, provided in the manner prescribed by the department  
 18-11 ~~[board];~~

18-12 (7) a verified statement of the applicant's experience  
 18-13 qualifications in the particular classification in which the  
 18-14 applicant is applying;

18-15 (8) a report from the department stating the  
 18-16 applicant's record of any convictions for a Class B misdemeanor or  
 18-17 equivalent offense or a greater offense;

18-18 (9) the social security number of the individual  
 18-19 making the application; and

18-20 (10) other information, evidence, statements, or  
 18-21 documents required by the department ~~[board].~~

18-22 (b) An applicant for a company license as a security  
 18-23 services contractor shall maintain a physical address within this  
 18-24 state and provide that address to the department ~~[board].~~ The  
 18-25 commission ~~[board]~~ shall adopt rules to enable an out-of-state  
 18-26 company license holder to comply with this subsection.

18-27 (c) The department may return an application for a company  
 18-28 license as incomplete if the applicant submits payment of a fee that  
 18-29 is returned for insufficient funds and the applicant has received  
 18-30 notice and an opportunity to provide payment in full.

18-31 SECTION 5.031. Section 1702.112, Occupations Code, is  
 18-32 amended to read as follows:

18-33 Sec. 1702.112. FORM OF COMPANY LICENSE. The department  
 18-34 ~~[board]~~ shall prescribe the form of a company license~~[, including a~~  
 18-35 ~~branch office license]~~. The company license must include:

18-36 (1) the name of the company license holder;  
 18-37 (2) the name under which the company license holder is  
 18-38 to operate;

18-39 (3) the company license number and the date the  
 18-40 company license was issued; and

18-41 (4) a photograph of the company license holder,  
 18-42 affixed to the company license at the time the company license is  
 18-43 issued by the department ~~[board].~~

18-44 SECTION 5.032. The heading to Section 1702.113, Occupations  
 18-45 Code, is amended to read as follows:

18-46 Sec. 1702.113. GENERAL QUALIFICATIONS FOR COMPANY  
 18-47 LICENSE~~[, CERTIFICATE OF REGISTRATION,]~~ OR SECURITY OFFICER  
 18-48 COMMISSION.

18-49 SECTION 5.033. Section 1702.113(a), Occupations Code, is  
 18-50 amended to read as follows:

18-51 (a) An applicant for a company license~~[, certificate of~~  
 18-52 ~~registration, endorsement,]~~ or security officer commission ~~[or the~~  
 18-53 ~~applicant's manager]~~ must be at least 18 years of age and must not:

18-54 (1) at the time of application be charged under an  
 18-55 information or indictment with the commission of a Class A or Class  
 18-56 B misdemeanor or felony offense determined to be disqualifying by  
 18-57 commission ~~[board]~~ rule;

18-58 (2) have been found by a court to be incompetent by  
 18-59 reason of a mental defect or disease and not have been restored to  
 18-60 competency;

18-61 (3) have been dishonorably discharged from the United  
 18-62 States armed services, discharged from the United States armed  
 18-63 services under other conditions determined by the commission  
 18-64 ~~[board]~~ to be prohibitive, or dismissed from the United States  
 18-65 armed services if a commissioned officer in the United States armed  
 18-66 services; or

18-67 (4) be required to register in this or any other state  
 18-68 as a sex offender~~[, unless the applicant is approved by the board~~  
 18-69 ~~under Section 1702.3615]~~.

19-1 SECTION 5.034. Section 1702.114, Occupations Code, is  
 19-2 amended to read as follows:

19-3 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR  
 19-4 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a company  
 19-5 license to engage in the business of an investigations company [~~or~~  
 19-6 ~~the applicant's manager~~] must have, before the date of the  
 19-7 application, three consecutive years' experience in the  
 19-8 investigative field as an employee[~~, manager,~~] or owner of an  
 19-9 investigations company or satisfy other requirements set by the  
 19-10 commission [~~board~~].

19-11 (b) The applicant's experience must be:

19-12 (1) reviewed by the department [~~board or the chief~~  
 19-13 ~~administrator~~]; and

19-14 (2) determined to be adequate to qualify the applicant  
 19-15 to engage in the business of an investigations company.

19-16 SECTION 5.035. Section 1702.115, Occupations Code, is  
 19-17 amended to read as follows:

19-18 Sec. 1702.115. ADDITIONAL QUALIFICATIONS FOR SECURITY  
 19-19 SERVICES CONTRACTOR LICENSE. (a) An applicant for a company  
 19-20 license to engage in the business of a security services contractor  
 19-21 [~~or the applicant's manager~~] must have, before the date of the  
 19-22 application, two consecutive years' experience in each security  
 19-23 services field for which the person applies as an employee[~~,~~  
 19-24 ~~manager,~~] or owner of a security services contractor or satisfy  
 19-25 other requirements set by the commission [~~board~~].

19-26 (b) The applicant's experience must have been obtained  
 19-27 legally and must be:

19-28 (1) reviewed by the department [~~board or the chief~~  
 19-29 ~~administrator~~]; and

19-30 (2) determined to be adequate to qualify the applicant  
 19-31 to engage in the business of a security services contractor.

19-32 SECTION 5.036. Section 1702.117, Occupations Code, is  
 19-33 amended to read as follows:

19-34 Sec. 1702.117. EXAMINATION. (a) The department [~~board~~]  
 19-35 shall require an applicant for a company license under this chapter  
 19-36 [~~or the applicant's manager~~] to demonstrate qualifications in the  
 19-37 person's company license classification, including knowledge of  
 19-38 applicable state laws and commission [~~board~~] rules, by taking an  
 19-39 examination to be determined by the commission [~~board~~].

19-40 (b) Payment of the application fee entitles the applicant  
 19-41 [~~or the applicant's manager~~] to take one examination without  
 19-42 additional charge. A person who fails the examination must pay a  
 19-43 reexamination fee to take a subsequent examination.

19-44 (c) The commission [~~board~~] shall set the reexamination fee  
 19-45 in an amount not to exceed the amount of the renewal fee for the  
 19-46 company license classification for which application was made.

19-47 (d) The department [~~board~~] shall develop and provide to a  
 19-48 person who applies to take the examination under Subsection (a)  
 19-49 material containing all applicable state laws and commission  
 19-50 [~~board~~] rules.

19-51 SECTION 5.037. Section 1702.118, Occupations Code, is  
 19-52 amended to read as follows:

19-53 Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than  
 19-54 the 30th day after the date a person takes a licensing examination  
 19-55 under this chapter, the department [~~board~~] shall notify the person  
 19-56 of the examination results.

19-57 (b) If an examination is graded or reviewed by a testing  
 19-58 service:

19-59 (1) the department [~~board~~] shall notify the person of  
 19-60 the examination results not later than the 14th day after the date  
 19-61 the department [~~board~~] receives the results from the testing  
 19-62 service; and

19-63 (2) if notice of the examination results will be  
 19-64 delayed for longer than 90 days after the examination date, the  
 19-65 department [~~board~~] shall notify the person of the reason for the  
 19-66 delay before the 90th day.

19-67 (c) The department [~~board~~] may require a testing service to  
 19-68 notify a person of the results of the person's examination.

19-69 (d) If requested in writing by a person who fails a

20-1 licensing examination administered under this chapter, the  
 20-2 department [board] shall furnish the person with an analysis of the  
 20-3 person's performance on the examination.

20-4 SECTION 5.038. Section 1702.1183, Occupations Code, is  
 20-5 amended to read as follows:

20-6 Sec. 1702.1183. RECIPROCAL COMPANY LICENSE FOR CERTAIN  
 20-7 APPLICANTS. (a) The department [board] may waive any prerequisite  
 20-8 to obtaining a company license for an applicant who holds a company  
 20-9 license issued by another jurisdiction with which this state has a  
 20-10 reciprocity agreement.

20-11 (b) The commission [board] may make an agreement, subject to  
 20-12 the approval of the governor, with another state to allow for  
 20-13 licensing by reciprocity.

20-14 (c) The commission [board] shall adopt rules under which the  
 20-15 commission [board] may waive any prerequisite to obtaining a  
 20-16 company license for, and credit experience for a company license  
 20-17 requirement to, an individual who the commission [board] determines  
 20-18 has acceptable experience gained during service in a branch of the  
 20-19 United States armed forces, including the United States Coast  
 20-20 Guard.

20-21 SECTION 5.039. Section 1702.1186, Occupations Code, is  
 20-22 amended to read as follows:

20-23 Sec. 1702.1186. PROVISIONAL COMPANY LICENSE. (a) The  
 20-24 department [board] may issue a provisional company license to an  
 20-25 applicant currently licensed in another jurisdiction who seeks an  
 20-26 equivalent company license in this state and who:

20-27 (1) has been licensed in good standing as an  
 20-28 investigations company or security services contractor for at least  
 20-29 two years in another jurisdiction, including a foreign country,  
 20-30 that has licensing requirements substantially equivalent to the  
 20-31 requirements of this chapter;

20-32 (2) has passed a national or other examination  
 20-33 recognized by the commission [board] relating to the practice of  
 20-34 private investigations or security services contracting; and

20-35 (3) is sponsored by a person licensed by the  
 20-36 department [board] under this chapter with whom the provisional  
 20-37 company license holder will practice during the time the person  
 20-38 holds a provisional company license.

20-39 (b) A provisional company license is valid until the date  
 20-40 the department [board] approves or denies the provisional company  
 20-41 license holder's application for a company license. The department  
 20-42 [board] shall issue a company license under this chapter to the  
 20-43 provisional company license holder if:

20-44 (1) the provisional company license holder is eligible  
 20-45 to be licensed under Section 1702.1183; or

20-46 (2) the provisional company license holder:

20-47 (A) passes the part of the examination under  
 20-48 Section 1702.117(a) that relates to the applicant's knowledge and  
 20-49 understanding of the laws and rules relating to the practice of an  
 20-50 investigations company or security services contractor in this  
 20-51 state;

20-52 (B) is verified by the department [board] as  
 20-53 meeting the academic and experience requirements for a company  
 20-54 license under this chapter; and

20-55 (C) satisfies any other licensing requirements  
 20-56 under this chapter.

20-57 (c) The department [board] must approve or deny a  
 20-58 provisional company license holder's application for a company  
 20-59 license not later than the 180th day after the date the provisional  
 20-60 company license is issued. The department [board] may extend the  
 20-61 180-day period if the results of an examination have not been  
 20-62 received by the department [board] before the end of that period.

20-63 (d) The commission [board] may establish a fee for  
 20-64 provisional company licenses in an amount reasonable and necessary  
 20-65 to cover the cost of issuing the company license.

20-66 SECTION 5.040. Section 1702.122, Occupations Code, is  
 20-67 amended to read as follows:

20-68 Sec. 1702.122. TEMPORARY CONTINUATION OF COMPANY LICENSE  
 20-69 HOLDER'S BUSINESS. Under the terms provided by commission [board]

21-1 rule, a company license holder's business may continue for a  
 21-2 temporary period if the individual on the basis of whose  
 21-3 qualifications a company license under this chapter has been  
 21-4 obtained ceases to be connected with the company license holder.

21-5 SECTION 5.041. Section 1702.123, Occupations Code, is  
 21-6 amended to read as follows:

21-7 Sec. 1702.123. INSURANCE; BOND. (a) A company license  
 21-8 holder shall maintain on file with the department [~~board~~] at all  
 21-9 times the surety bond and certificate of insurance required by this  
 21-10 chapter.

21-11 (b) The commission [~~board~~] shall immediately suspend the  
 21-12 company license of a company license holder who violates Subsection  
 21-13 (a).

21-14 (c) The commission [~~board~~] may rescind the company license  
 21-15 suspension if the company license holder provides proof to the  
 21-16 commission [~~board~~] that the bond or the insurance coverage is still  
 21-17 in effect. The company license holder must provide the proof in a  
 21-18 form satisfactory to the commission [~~board~~] not later than the 10th  
 21-19 day after the date the company license is suspended.

21-20 (d) After suspension of the company license, the commission  
 21-21 [~~board~~] may not reinstate the company license until an application,  
 21-22 in the form prescribed by the commission [~~board~~], is filed  
 21-23 accompanied by a proper bond, insurance certificate, or both. The  
 21-24 commission [~~board~~] may deny the application notwithstanding the  
 21-25 applicant's compliance with this section:

21-26 (1) for a reason that would justify suspending,  
 21-27 revoking, or denying a company license; or

21-28 (2) if, during the suspension, the applicant performs  
 21-29 a practice for which a company license is required.

21-30 SECTION 5.042. Sections 1702.124(a), (b), and (f),  
 21-31 Occupations Code, are amended to read as follows:

21-32 (a) An applicant is not eligible for a company license  
 21-33 unless the applicant provides as part of the application:

21-34 (1) a certificate of insurance or other documentary  
 21-35 evidence of a general liability insurance policy countersigned by  
 21-36 an insurance agent licensed in this state; or

21-37 (2) a certificate of insurance for surplus lines  
 21-38 coverage obtained under Chapter 981, Insurance Code, through a  
 21-39 licensed Texas surplus lines agent resident in this state.

21-40 (b) The general liability insurance policy must be  
 21-41 conditioned to pay on behalf of the company license holder damages  
 21-42 that the company license holder becomes legally obligated to pay  
 21-43 because of bodily injury, property damage, or personal injury,  
 21-44 caused by an event involving the principal, or an officer, agent, or  
 21-45 employee of the principal, in the conduct of any activity or service  
 21-46 for which the company license holder is licensed under this  
 21-47 chapter.

21-48 (f) In addition to the requirements of this section, an  
 21-49 applicant or company license holder shall provide and maintain a  
 21-50 certificate of insurance or other documentary evidence of insurance  
 21-51 sufficient to cover all of the business activities of the applicant  
 21-52 or company license holder related to private security.

21-53 SECTION 5.043. Section 1702.125, Occupations Code, is  
 21-54 amended to read as follows:

21-55 Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed  
 21-56 with the department [~~board~~] under this chapter remains in effect  
 21-57 until the surety terminates future liability by providing to the  
 21-58 department [~~board~~] at least 30 days' notice of the intent to  
 21-59 terminate liability.

21-60 SECTION 5.044. Section 1702.127, Occupations Code, is  
 21-61 amended to read as follows:

21-62 Sec. 1702.127. COMPANY LICENSE HOLDER EMPLOYEES; RECORDS.  
 21-63 (a) A company license holder may be legally responsible for the  
 21-64 conduct in the company license holder's business of each employee  
 21-65 of the company license holder while the employee is performing  
 21-66 assigned duties for the company license holder.

21-67 (b) A company license holder shall maintain a record  
 21-68 containing information related to the company license holder's  
 21-69 employees as required by the commission [~~board~~].

22-1 (c) A company license holder shall maintain for inspection  
 22-2 by the department at the company license holder's principal place  
 22-3 of business or branch office two recent color photographs, of a type  
 22-4 required by the commission [~~board~~], of each applicant, individual  
 22-5 license holder [~~registrant~~], commissioned security officer, and  
 22-6 employee of the company license holder.

22-7 (d) A company license holder shall maintain records  
 22-8 required under this chapter at a physical address within this state  
 22-9 and provide that address to the department [~~board~~].

22-10 SECTION 5.045. Section 1702.128, Occupations Code, is  
 22-11 amended to read as follows:

22-12 Sec. 1702.128. POSTING OF COMPANY LICENSE REQUIRED. A  
 22-13 company license holder shall at all times post[+]

22-14 [~~(1)~~] the person's license in a conspicuous place in:

22-15 (1) the principal place of business of the company  
 22-16 license holder; and

22-17 (2) each branch office [~~license in a conspicuous place~~  
 22-18 ~~in each branch office~~] of the company license holder.

22-19 SECTION 5.046. Section 1702.129, Occupations Code, is  
 22-20 amended to read as follows:

22-21 Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES.

22-22 (a) A company license holder shall notify the department [~~board~~]  
 22-23 not later than the 14th day after the date of:

22-24 (1) a change of address for the company license  
 22-25 holder's principal place of business;

22-26 (2) a change of a name under which the company license  
 22-27 holder does business; or

22-28 (3) a change in the company license holder's officers  
 22-29 or partners.

22-30 (b) A company license holder shall notify the department  
 22-31 [~~board~~] in writing not later than the 14th day after the date a  
 22-32 branch office:

22-33 (1) is established;

22-34 (2) is closed; or

22-35 (3) changes address or location.

22-36 SECTION 5.047. Section 1702.130(a), Occupations Code, is  
 22-37 amended to read as follows:

22-38 (a) A company license holder, or an officer, director,  
 22-39 partner, [~~manager~~] or employee of a company license holder, may  
 22-40 not:

22-41 (1) use a title, an insignia, or an identification  
 22-42 card, wear a uniform, or make a statement with the intent to give an  
 22-43 impression that the person is connected with the federal  
 22-44 government, a state government, or a political subdivision of a  
 22-45 state government; or

22-46 (2) use a title, an insignia, or an identification  
 22-47 card or wear a uniform containing the designation "police."

22-48 SECTION 5.048. Section 1702.131, Occupations Code, is  
 22-49 amended to read as follows:

22-50 Sec. 1702.131. ADVERTISING. An advertisement by a company  
 22-51 license holder soliciting or advertising business must contain the  
 22-52 company license holder's company name and address as stated in  
 22-53 department [~~board~~] records.

22-54 SECTION 5.049. Section 1702.132, Occupations Code, is  
 22-55 amended to read as follows:

22-56 Sec. 1702.132. REPORTS TO EMPLOYER OR CLIENT. (a) A  
 22-57 written report submitted to a company license holder's employer or  
 22-58 client may only be submitted by the company license holder [~~or~~  
 22-59 ~~manager~~] or a person authorized by a company license holder [~~or~~  
 22-60 ~~manager~~]. The person submitting the report shall exercise  
 22-61 diligence in determining whether the information in the report is  
 22-62 correct.

22-63 (b) A company license holder or an officer, director,  
 22-64 partner, [~~manager~~] or employee of a company license holder may not  
 22-65 knowingly make a false report to the employer or client for whom  
 22-66 information is obtained.

22-67 SECTION 5.050. Section 1702.133, Occupations Code, is  
 22-68 amended to read as follows:

22-69 Sec. 1702.133. CONFIDENTIALITY; INFORMATION RELATING TO

23-1 CRIMINAL OFFENSE. (a) A company license holder or an officer,  
 23-2 director, or partner~~[, or manager]~~ of a company license holder may  
 23-3 not disclose to another information obtained by the person for an  
 23-4 employer or client except:

- 23-5 (1) at the direction of the employer or client; or
- 23-6 (2) as required by state law or court order.

23-7 (b) A company license holder or an officer, director, or  
 23-8 partner~~[, or manager]~~ of a company license holder shall disclose to  
 23-9 a law enforcement officer or a district attorney, or that  
 23-10 individual's representative, information the person obtains that  
 23-11 relates to a criminal offense. A private investigator who is  
 23-12 working under the direct supervision of a licensed attorney  
 23-13 satisfies this requirement by disclosing the information to the  
 23-14 supervising attorney.

23-15 SECTION 5.051. The heading to Section 1702.134, Occupations  
 23-16 Code, is amended to read as follows:

23-17 Sec. 1702.134. COMPANY LICENSE HOLDER EXEMPTIONS FROM  
 23-18 CERTAIN LOCAL REGULATIONS.

23-19 SECTION 5.052. Sections 1702.134(a) and (b), Occupations  
 23-20 Code, are amended to read as follows:

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

23-27 (b) A municipality, county, or other political subdivision  
 23-28 of this state may not require a payment for the use of municipal,  
 23-29 county, or other public facilities in connection with a business or  
 23-30 service provided by a company license holder, except that a  
 23-31 municipality may impose and collect:

- 23-32 (1) a reasonable charge for the use of a central alarm  
 23-33 installation located in a police office that is owned, operated, or  
 23-34 monitored by the municipality; and
- 23-35 (2) reasonable inspection and reinspection fees in  
 23-36 connection with a device that causes at least five false alarms in a  
 23-37 12-month period.

23-38 SECTION 5.053. Section 1702.161(b), Occupations Code, is  
 23-39 amended to read as follows:

23-40 (b) An individual employed as a security officer may not  
 23-41 knowingly carry a firearm during the course of performing duties as  
 23-42 a security officer unless the department [~~board~~] has issued a  
 23-43 security officer commission to the individual.

23-44 SECTION 5.054. Section 1702.162, Occupations Code, is  
 23-45 amended to read as follows:

23-46 Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER  
 23-47 COMMISSION. The employer of a security officer who applies for a  
 23-48 security officer commission for the officer must submit an  
 23-49 application to the department [~~board~~] on a form provided by the  
 23-50 department [~~board~~].

23-51 SECTION 5.055. Section 1702.163(a), Occupations Code, is  
 23-52 amended to read as follows:

23-53 (a) An applicant employed by a company license holder is not  
 23-54 eligible for a security officer commission unless the applicant  
 23-55 submits as part of the application satisfactory evidence that the  
 23-56 applicant has:

- 23-57 (1) completed the basic training course at a school or  
 23-58 under an instructor approved by the department [~~board~~];
- 23-59 (2) met each qualification established by this chapter  
 23-60 and administrative rule;
- 23-61 (3) achieved the score required by the department  
 23-62 [~~board~~] on the examination under Section 1702.1685; and
- 23-63 (4) demonstrated to the satisfaction of the firearm  
 23-64 training instructor that the applicant has complied with other  
 23-65 department [~~board~~] standards for minimum marksmanship competency  
 23-66 with a handgun.

23-67 SECTION 5.056. Section 1702.165, Occupations Code, is  
 23-68 amended to read as follows:

23-69 Sec. 1702.165. ISSUANCE OF SECURITY OFFICER COMMISSION;

24-1 POCKET CARD. (a) The [~~board, with the concurrence of the~~  
24-2 department:

24-3 (1) may issue a security officer commission to an  
24-4 individual employed as a uniformed security officer; and

24-5 (2) shall issue a security officer commission to a  
24-6 qualified employee of an armored car company that is a carrier  
24-7 conducting the armored car business under a federal or state permit  
24-8 or certificate.

24-9 (b) A security officer commission issued under this section  
24-10 must be in the form of a pocket card designed by the department  
24-11 [~~board~~] that identifies the security officer.

24-12 SECTION 5.057. Section 1702.167, Occupations Code, is  
24-13 amended to read as follows:

24-14 Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED  
24-15 SECURITY OFFICER; TRANSFER OF COMMISSION. The holder of a security  
24-16 officer commission who terminates employment with one employer may  
24-17 transfer the individual's commission to a new employer if, not  
24-18 later than the 14th day after the date the individual begins the new  
24-19 employment, the new employer notifies the department [~~board~~] of the  
24-20 transfer of employment on a form prescribed by the department  
24-21 [~~board~~], accompanied by payment of the employee information update  
24-22 fee.

24-23 SECTION 5.058. Sections 1702.1675(a), (b), (c), (d), (e),  
24-24 (f), and (i), Occupations Code, are amended to read as follows:

24-25 (a) The commission [~~board~~] shall establish a basic training  
24-26 course for commissioned security officers. The course must  
24-27 include, at a minimum:

- 24-28 (1) general security officer training issues;
- 24-29 (2) classroom instruction on handgun proficiency; and
- 24-30 (3) range instruction on handgun proficiency.

24-31 (b) The course must be offered and taught by schools and  
24-32 instructors approved by the department [~~board~~]. To receive  
24-33 department [~~board~~] approval, a school or an instructor must submit  
24-34 an application to the department [~~board~~] on a form provided by the  
24-35 department [~~board~~].

24-36 (c) The basic training course established under this  
24-37 section [~~approved by the board~~] must consist of a minimum of 30  
24-38 hours.

24-39 (d) The general security officer training portion of the  
24-40 course must include instruction on:

- 24-41 (1) [~~board rules and~~] applicable rules and state laws;
- 24-42 (2) field note taking and report writing; and
- 24-43 (3) any other topics of security officer training  
24-44 curriculum the department [~~board~~] considers necessary.

24-45 (e) The department [~~board~~] shall develop a commissioned  
24-46 security officer training manual that contains applicable state  
24-47 laws and [~~board~~] rules to be used in the instruction and training of  
24-48 commissioned security officers.

24-49 (f) The commission [~~board~~] shall adopt rules necessary to  
24-50 administer the provisions of this section concerning the training  
24-51 requirements of this chapter.

24-52 (i) The commission [~~board~~] by rule shall establish minimum  
24-53 standards for handgun proficiency that are at least as stringent as  
24-54 the standards for handgun proficiency developed [~~by the public~~  
24-55 ~~safety director~~] under Section 411.188, Government Code.

24-56 SECTION 5.059. Section 1702.168, Occupations Code, is  
24-57 amended to read as follows:

24-58 Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to  
24-59 the requirements of Section 1702.163(a), the commission [~~board~~] by  
24-60 rule shall establish other qualifications for individuals who are  
24-61 employed in positions requiring the carrying of firearms. The  
24-62 qualifications may include:

- 24-63 (1) physical and mental standards; and
- 24-64 (2) [~~standards of good moral character, and~~  
24-65 [~~3~~]] other requirements that relate to the competency  
24-66 and reliability of individuals to carry firearms.

24-67 (b) The commission [~~board~~] shall prescribe appropriate  
24-68 forms and adopt rules by which evidence is presented that the  
24-69 requirements are fulfilled.

25-1 SECTION 5.060. Sections 1702.1685(b) and (d), Occupations  
25-2 Code, are amended to read as follows:

25-3 (b) Only a department-approved [~~board-approved~~] instructor  
25-4 may administer the handgun proficiency examination.

25-5 (d) The school shall maintain the records of the required  
25-6 proficiency and make the records available for inspection by the  
25-7 department [~~board~~].

25-8 SECTION 5.061. Section 1702.171, Occupations Code, is  
25-9 amended to read as follows:

25-10 Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The  
25-11 commission [~~board~~] shall adopt rules for the maintenance of records  
25-12 relating to an individual to whom the department [~~board~~] has issued  
25-13 a security officer commission.

25-14 SECTION 5.062. The heading to Subchapter H, Chapter 1702,  
25-15 Occupations Code, is amended to read as follows:

25-16 SUBCHAPTER H. EMPLOYMENT OF COMMISSIONED SECURITY OFFICER BY  
25-17 CERTAIN PERSONS; [~~LETTER OF AUTHORITY~~] REQUIREMENTS

25-18 SECTION 5.063. Section 1702.181, Occupations Code, is  
25-19 amended to read as follows:

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

25-26 (1) the security department's intent to employ a  
25-27 commissioned security officer and register with the department  
25-28 under this section;

25-29 (2) the name, title, and contact information of the  
25-30 person serving in the security department as the contact for the  
25-31 department; and

25-32 (3) any change in the information provided in  
25-33 Subdivision (1) or (2) [~~holds a letter of authority~~].

25-34 (b) The department shall maintain a registry of security  
25-35 departments that provide notice under Subsection (a) and the name,  
25-36 title, and contact information of the person serving as contact for  
25-37 each security department.

25-38 SECTION 5.064. The heading to Subchapter I, Chapter 1702,  
25-39 Occupations Code, is amended to read as follows:

25-40 SUBCHAPTER I. PERSONAL PROTECTION OFFICER LICENSE [~~ENDORSEMENT~~]  
25-41 REQUIREMENTS

25-42 SECTION 5.065. Section 1702.201, Occupations Code, is  
25-43 amended to read as follows:

25-44 Sec. 1702.201. PERSONAL PROTECTION OFFICER LICENSE  
25-45 [~~ENDORSEMENT~~] REQUIRED. An individual may not act as a personal  
25-46 protection officer unless the individual holds a personal  
25-47 protection officer license [~~endorsement~~].

25-48 SECTION 5.066. Section 1702.203, Occupations Code, is  
25-49 amended to read as follows:

25-50 Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER  
25-51 LICENSE [~~ENDORSEMENT~~]. An applicant for a personal protection  
25-52 officer license [~~endorsement~~] must submit a written application on  
25-53 a form prescribed by the commission [~~board~~].

25-54 SECTION 5.067. Section 1702.204, Occupations Code, is  
25-55 amended to read as follows:

25-56 Sec. 1702.204. PERSONAL PROTECTION OFFICER LICENSE  
25-57 [~~ENDORSEMENT~~]; QUALIFICATIONS. (a) An applicant for a personal  
25-58 protection officer license [~~endorsement~~] must be at least 21 years  
25-59 of age and must provide:

25-60 (1) a certificate of completion of the basic security  
25-61 officer training course;

25-62 (2) proof that the applicant:

25-63 (A) has been issued a security officer  
25-64 commission;

25-65 (B) is employed at the time of application by an  
25-66 investigations company or guard company licensed by the department  
25-67 [~~board~~]; and

25-68 (C) has completed the required training in  
25-69 nonlethal self-defense or defense of a third person; and

26-1 (3) proof of completion and the results of the  
 26-2 Minnesota Multiphasic Personality Inventory psychological testing.

26-3 (b) The commission [~~board~~] by rule shall require an  
 26-4 applicant for a personal protection officer license [~~endorsement~~]  
 26-5 to complete the Minnesota Multiphasic Personality Inventory test.  
 26-6 The department [~~board~~] may use the results of the test to evaluate  
 26-7 the applicant's psychological fitness.

26-8 SECTION 5.068. Section 1702.205(a), Occupations Code, is  
 26-9 amended to read as follows:

26-10 (a) The commission [~~board~~] shall establish a 15-hour course  
 26-11 for a personal protection officer consisting of training in  
 26-12 nonlethal self-defense or defense of a third person.

26-13 SECTION 5.069. Section 1702.206(a), Occupations Code, is  
 26-14 amended to read as follows:

26-15 (a) An individual acting as a personal protection officer  
 26-16 may not carry a firearm unless the officer:

26-17 (1) is either:  
 26-18 (A) engaged in the exclusive performance of the  
 26-19 officer's duties as a personal protection officer for the employer  
 26-20 under whom the officer's personal protection officer license  
 26-21 [~~endorsement~~] is issued; or

26-22 (B) traveling to or from the officer's place of  
 26-23 assignment; and

26-24 (2) carries the officer's security officer commission  
 26-25 and personal protection officer license [~~endorsement~~] on the  
 26-26 officer's person while performing the officer's duties or traveling  
 26-27 as described by Subdivision (1) and presents the commission and  
 26-28 license [~~endorsement~~] on request.

26-29 SECTION 5.070. The heading to Subchapter J, Chapter 1702,  
 26-30 Occupations Code, is amended to read as follows:

26-31 SUBCHAPTER J. LICENSING AND [~~REGISTRATION AND ENDORSEMENT~~  
 26-32 ~~REQUIREMENTS,~~] DUTIES OF INDIVIDUALS [~~REGISTRANT AND ENDORSEMENT~~  
 26-33 ~~HOLDER~~]

26-34 SECTION 5.071. Section 1702.221, Occupations Code, is  
 26-35 amended to read as follows:

26-36 Sec. 1702.221. INDIVIDUAL LICENSE [~~REGISTRATION AND~~  
 26-37 ~~ENDORSEMENT~~] REQUIRED. (a) To perform any activity regulated by  
 26-38 this chapter, the individual must:

26-39 (1) [~~register in accordance with the requirements of~~  
 26-40 ~~this chapter and related administrative rules,~~

26-41 [~~(2)~~] obtain the proper individual license  
 26-42 [~~endorsement~~] under Subsection (b); and

26-43 (2) [~~(3)~~] be employed by a company license holder  
 26-44 [~~licensed under this chapter~~].

26-45 (b) An individual must obtain the appropriate individual  
 26-46 license [~~endorsement~~] in accordance with the requirements of this  
 26-47 chapter and related administrative rules if the individual:

26-48 (1) is employed as:  
 26-49 (A) an alarm instructor;  
 26-50 (B) an alarm systems installer;  
 26-51 (C) an alarm systems monitor;  
 26-52 (D) an electronic access control device  
 26-53 installer;

26-54 (E) a level 3 classroom or firearm instructor;  
 26-55 (F) a locksmith;  
 26-56 (G) [~~a dog trainer,~~

26-57 [~~(H) a manager or branch office manager,~~  
 26-58 [~~(I)~~] a noncommissioned security officer;  
 26-59 (H) [~~(J)~~] a level 4 personal protection  
 26-60 instructor;

26-61 (I) [~~(K)~~] a private investigator; or  
 26-62 (J) [~~(L) a private security consultant,~~

26-63 [~~(M) a security salesperson, or~~  
 26-64 [~~(N)~~] an individual whose duties include  
 26-65 performing another activity for which an individual license  
 26-66 [~~endorsement~~] is required under Subsection (e); or

26-67 (2) is an owner who owns at least a 51 percent interest  
 26-68 in a company license holder [~~who oversees the security-related~~  
 26-69 ~~aspects of the business, officer, partner, or shareholder of a~~

27-1 ~~license holder~~].

27-2 (c) Licensure [~~Registration and endorsement~~] under this  
27-3 chapter does not preclude an individual from performing additional  
27-4 duties or services authorized by the individual's employer that are  
27-5 not regulated by this chapter. An individual who performs more than  
27-6 one of the services that require an individual license [~~an~~  
27-7 ~~endorsement~~] under this section must obtain an individual license  
27-8 [~~an endorsement~~] for each service.

27-9 (d) In addition to the services listed in Subsection (b), a  
27-10 person holding a security officer commission must also obtain an  
27-11 individual license [~~an endorsement~~] for personal protection if the  
27-12 individual performs the services described by Section 1702.202.

27-13 (e) The commission [~~board~~] by rule may require a person to  
27-14 hold an individual license [~~an endorsement~~] for performing any  
27-15 other activity expressly regulated by this chapter.

27-16 SECTION 5.072. Section 1702.226(b), Occupations Code, is  
27-17 amended to read as follows:

27-18 (b) A person licensed [~~registered~~] as an electronic access  
27-19 control device installer may not install alarm systems unless the  
27-20 person holds an individual license [~~an endorsement~~] under this  
27-21 chapter as an alarm systems installer.

27-22 SECTION 5.073. Section 1702.229, Occupations Code, is  
27-23 amended to read as follows:

27-24 Sec. 1702.229. QUALIFICATIONS FOR INDIVIDUAL LICENSE  
27-25 [~~REGISTRATION~~]. (a) An applicant for an individual license  
27-26 [~~registration~~] must meet the qualifications required under Section  
27-27 1702.113 for a company license applicant.

27-28 (b) The commission [~~In accordance with the requirements of~~  
27-29 ~~Section 1702.0611, the board~~] by rule may adopt additional  
27-30 qualifications for an individual to obtain an individual license  
27-31 [~~be registered~~] under this subchapter.

27-32 SECTION 5.074. Section 1702.230, Occupations Code, is  
27-33 amended to read as follows:

27-34 Sec. 1702.230. APPLICATION FOR INDIVIDUAL LICENSE  
27-35 [~~REGISTRATION OR ENDORSEMENT~~]. (a) An application for an  
27-36 individual license [~~registration or endorsement~~] must be verified  
27-37 and include:

27-38 (1) the applicant's full name, residence address,  
27-39 residence telephone number, date and place of birth, and social  
27-40 security number;

27-41 (2) a statement that:

27-42 (A) lists each name used by the applicant, other  
27-43 than the name by which the applicant is known at the time of  
27-44 application, and an explanation stating each place where each name  
27-45 was used, the date of each use, and a full explanation of the  
27-46 reasons the name was used; or

27-47 (B) states that the applicant has never used a  
27-48 name other than the name by which the applicant is known at the time  
27-49 of application;

27-50 (3) the name and address of the applicant's employer  
27-51 [~~and, if applicable, the applicant's consulting firm~~];

27-52 (4) the date the employment described by Subdivision  
27-53 (3) commenced;

27-54 (5) a letter from the company license holder  
27-55 requesting that the applicant be issued an individual license [~~be~~  
27-56 ~~registered or endorsed~~];

27-57 (6) the title of the position occupied by the  
27-58 applicant and a description of the applicant's duties;

27-59 (7) the required fees, including the criminal history  
27-60 check fee established under Section 1702.282;

27-61 (8) fingerprints of the applicant provided in the  
27-62 manner prescribed by the department [~~board~~]; and

27-63 (9) any other information, evidence, statement, or  
27-64 document required by the department [~~board~~].

27-65 (b) The employer of the applicant shall make a reasonable  
27-66 attempt to verify the information required under Subsection (a)(1)  
27-67 before the earlier of:

27-68 (1) the date the application is submitted; or

27-69 (2) the date the applicant begins to perform the

28-1 duties of employment that require an individual license  
 28-2 [~~registration~~].

28-3 (c) An applicant must submit an application that  
 28-4 substantially meets the requirements of this section before  
 28-5 employment in a capacity for which an individual license  
 28-6 [~~registration~~] is required.

28-7 (d) For purposes of Subsection (a), an application is not  
 28-8 considered to be verified until the department [~~board~~] has received  
 28-9 electronic verification from the department or the Federal Bureau  
 28-10 of Investigation, as applicable, that the applicant has submitted  
 28-11 the applicant's fingerprints.

28-12 (e) The department [~~board~~] shall make information available  
 28-13 to the public concerning whether an applicant for an individual  
 28-14 license [~~registration or endorsement~~] has met the requirements  
 28-15 under this chapter for performing a service for which the  
 28-16 individual license [~~registration or endorsement~~] is required.

28-17 (f) If information concerning an applicant is not made  
 28-18 available under Subsection (e) before the 48th hour after the time  
 28-19 the applicant's fingerprints are submitted in accordance with  
 28-20 Subsection (a), the applicant may begin performing the duties of  
 28-21 employment for which the individual license [~~registration or~~  
 28-22 ~~endorsement~~] is required, other than duties as a commissioned  
 28-23 security officer, if the employer or its agent:

28-24 (1) verifies through the department's publicly  
 28-25 accessible website that the applicant is:

28-26 (A) not disqualified for the individual license  
 28-27 [~~registration or endorsement~~] based on the applicant's criminal  
 28-28 history; and

28-29 (B) not required to register as a sex offender  
 28-30 under Chapter 62, Code of Criminal Procedure; and

28-31 (2) maintains in the applicant's employee file a copy  
 28-32 of the search results obtained under Subdivision (1).

28-33 SECTION 5.075. Section 1702.2305, Occupations Code, is  
 28-34 amended to read as follows:

28-35 Sec. 1702.2305. PROVISIONAL INDIVIDUAL LICENSE  
 28-36 [~~REGISTRATION~~]. (a) The department [~~board~~] may issue a  
 28-37 provisional individual license [~~registration~~] to an applicant  
 28-38 currently licensed [~~registered~~] in another jurisdiction who seeks  
 28-39 an equivalent license [~~registration~~] in this state and who:

28-40 (1) has been licensed [~~registered~~] in good standing in  
 28-41 the field in which the individual license [~~registration~~] is sought  
 28-42 for at least two years in another jurisdiction, including a foreign  
 28-43 country, that has licensing [~~registration~~] requirements  
 28-44 substantially equivalent to the requirements of this chapter;

28-45 (2) has passed a national or other examination  
 28-46 recognized by the commission [~~board~~] relating to practice in the  
 28-47 field in which the individual license [~~registration~~] is sought; and

28-48 (3) is employed by a company license holder [~~person~~  
 28-49 ~~licensed by the board under this chapter~~] with whom the provisional  
 28-50 individual license holder [~~registration holder~~] will practice  
 28-51 during the time the person holds a provisional individual license  
 28-52 [~~registration~~].

28-53 (b) A provisional individual license [~~registration~~] is  
 28-54 valid until the date the department [~~board~~] approves or denies the  
 28-55 provisional individual license [~~registration~~] holder's application  
 28-56 for an individual license [~~a registration~~]. The department [~~board~~]  
 28-57 shall issue an individual license [~~a registration~~] under this  
 28-58 chapter to the provisional individual license [~~registration~~]  
 28-59 holder if the provisional individual license [~~registration~~] holder  
 28-60 is eligible to be licensed [~~registered~~] under this chapter.

28-61 (c) The department [~~board~~] must approve or deny a  
 28-62 provisional individual license [~~registration~~] holder's application  
 28-63 for an individual license [~~a registration~~] not later than the 180th  
 28-64 day after the date the provisional individual license  
 28-65 [~~registration~~] is issued. The department [~~board~~] may extend the  
 28-66 180-day period if the results of an examination have not been  
 28-67 received by the department [~~board~~] before the end of that period.

28-68 (d) The commission [~~board~~] may establish a fee for a  
 28-69 provisional individual license [~~registration~~] in an amount

29-1 reasonable and necessary to cover the cost of issuing the  
29-2 individual license [registration].

29-3 SECTION 5.076. Section 1702.232, Occupations Code, is  
29-4 amended to read as follows:

29-5 Sec. 1702.232. POCKET CARDS. (a) The department [board]  
29-6 shall issue a pocket card for each individual license holder  
29-7 [registrant] under this chapter. A pocket card for an owner~~[,~~  
29-8 ~~officer, partner, or shareholder]~~ of a company license holder shall  
29-9 be issued to the company license holder.

29-10 (b) The department [board] shall determine the size,  
29-11 design, and content of the pocket card.

29-12 (c) The pocket card must:

29-13 (1) state the name of the individual license holder  
29-14 [registrant];

29-15 (2) contain a color photograph, affixed to the pocket  
29-16 card by the department [board] at the time the card is issued, and  
29-17 the signature of the individual license holder [registrant]; and

29-18 (3) state the date the card was issued and the card's  
29-19 expiration date~~[, and~~

29-20 ~~[(4) state each endorsement held by the registrant and~~  
29-21 ~~the date the endorsement expires].~~

29-22 SECTION 5.077. Section 1702.233, Occupations Code, is  
29-23 amended to read as follows:

29-24 Sec. 1702.233. DURATION OF POCKET CARDS. A pocket card  
29-25 issued for an individual license holder ~~[a registrant is valid for~~  
29-26 ~~two years and]~~ expires on the date the individual license  
29-27 [registration] expires under Section 1702.301(b) ~~[1702.301(d),~~  
29-28 ~~(e), or (f)].~~

29-29 SECTION 5.078. Section 1702.234, Occupations Code, is  
29-30 amended to read as follows:

29-31 Sec. 1702.234. ~~[REGISTRATION AND ENDORSEMENT]~~ TRANSFER OF  
29-32 INDIVIDUAL LICENSE. An individual license holder ~~[A registrant]~~  
29-33 may transfer the holder's license ~~[registrant's registration and~~  
29-34 ~~endorsements]~~ from one employer to another employer if, not later  
29-35 than the 14th day after the date the individual license holder  
29-36 ~~[registrant]~~ begins the new employment, the new employer notifies  
29-37 the department [board] of the transfer of employment on a form  
29-38 prescribed by the commission [board] accompanied by payment of the  
29-39 employee information update fee.

29-40 SECTION 5.079. Section 1702.235, Occupations Code, is  
29-41 amended to read as follows:

29-42 Sec. 1702.235. PREEMPLOYMENT CHECK FOR NONCOMMISSIONED  
29-43 SECURITY OFFICERS. A person may not hire a noncommissioned  
29-44 security officer unless the person conducts a preemployment check  
29-45 as required by commission [board] rule.

29-46 SECTION 5.080. Section 1702.236, Occupations Code, is  
29-47 amended to read as follows:

29-48 Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR  
29-49 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The department  
29-50 [board] shall require an individual who applies for an individual  
29-51 license [endorsement] as an electronic access control device  
29-52 installer to pass an examination given by the department [board] or  
29-53 a person approved by the department [board]. The examination must  
29-54 cover material related to access control.

29-55 (b) The commission ~~[On and after September 1, 2005, the~~  
29-56 ~~board]~~ by rule may allow an electronic access control device  
29-57 installer to obtain or renew an individual license [endorsement] by  
29-58 fulfilling the requirements of a commission-approved  
29-59 ~~[board-approved]~~, industry-based educational training program.

29-60 SECTION 5.081. Section 1702.239, Occupations Code, is  
29-61 amended to read as follows:

29-62 Sec. 1702.239. TRAINING REQUIREMENTS FOR ALARM SYSTEMS  
29-63 INSTALLER [AND SECURITY SALESPERSON]; EXAMINATION. (a) The  
29-64 commission [board] may require that an individual employed as an  
29-65 alarm systems installer ~~[or security salesperson]~~ hold a  
29-66 certification by a commission-approved [board-approved] training  
29-67 program to renew an individual license [endorsement]. The  
29-68 commission [board] may approve only nationally recognized training  
29-69 programs that consist of at least 16 hours of classroom study in the

30-1 areas of work allowed by the individual license [~~endorsement~~]. To  
 30-2 be approved, a training program must offer at least two  
 30-3 certification programs each year, sufficient to complete the  
 30-4 requirements of this subsection, within 100 miles of each county in  
 30-5 the state that has a population of more than 500,000.

30-6 (b) The commission [~~board~~] may require an individual who has  
 30-7 completed a training program under Subsection (a) to pass an  
 30-8 examination given by the department [~~board~~] or by a person approved  
 30-9 by the department [~~board~~]. The commission [~~board~~] may approve  
 30-10 examinations in conjunction with training programs approved under  
 30-11 Subsection (a). The individual's performance on the examination  
 30-12 must demonstrate the individual's qualifications to perform the  
 30-13 duties allowed by the individual's individual license  
 30-14 [~~endorsement~~].

30-15 (c) [~~An individual who holds a registration on September 30,~~  
 30-16 ~~1993, is not required to comply with requirements adopted under~~  
 30-17 ~~Subsections (a) and (b) during the time the individual maintains~~  
 30-18 ~~the registration with the individual's current license holder.~~

30-19 [~~(d)~~] If the commission [~~board~~] requires certification or  
 30-20 examination under this section, the commission [~~board~~] shall adopt  
 30-21 [~~implement~~] rules to require that to renew an individual license  
 30-22 [~~endorsement~~], an individual who is employed as an alarm systems  
 30-23 installer [~~or a security salesperson~~] and who has already once  
 30-24 renewed the individual license [~~endorsement~~] must obtain  
 30-25 continuing education credits related to the line of work for which  
 30-26 the individual is licensed. If the commission [~~board~~] requires the  
 30-27 continuing education, the chief administrator must approve classes  
 30-28 offered by nationally recognized organizations, and participants  
 30-29 in the classes must qualify according to commission [~~board~~] rules.

30-30 SECTION 5.082. Section 1702.240, Occupations Code, is  
 30-31 amended to read as follows:

30-32 Sec. 1702.240. [REGISTRATION] EXEMPTIONS FOR UNDERCOVER  
 30-33 AGENT. (a) For the purposes of this section, "undercover agent"  
 30-34 means an individual hired by a person to perform a job in or for that  
 30-35 person, and while performing that job, to act as an undercover  
 30-36 agent, an employee, or an independent contractor of a company  
 30-37 license holder, but supervised by a company license holder.

30-38 (b) An employee of a company license holder who is employed  
 30-39 exclusively as an undercover agent is not required to obtain an  
 30-40 individual license [~~register with the board~~].

30-41 SECTION 5.083. Section 1702.241, Occupations Code, is  
 30-42 amended to read as follows:

30-43 Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The  
 30-44 commission [~~board~~] may develop and the department may administer at  
 30-45 least twice each calendar year a jurisprudence examination to  
 30-46 determine the knowledge that an applicant for an individual license  
 30-47 [~~endorsement~~] has of this chapter, commission [~~board~~] rules, and  
 30-48 any other applicable laws of this state affecting the applicant's  
 30-49 activities regulated under this chapter.

30-50 (b) Before the department [~~board~~] may administer a  
 30-51 jurisprudence examination under this section, the commission  
 30-52 [~~board~~] shall adopt rules to implement this section, including  
 30-53 rules related to the development and administration of the  
 30-54 examination, examination fees, guidelines for reexamination,  
 30-55 grading the examination, and providing notice of examination  
 30-56 results. The department [~~board~~] may design different examinations  
 30-57 for different types of individual licenses [~~endorsements~~].

30-58 SECTION 5.084. Section 1702.282, Occupations Code, is  
 30-59 amended to read as follows:

30-60 Sec. 1702.282. CRIMINAL HISTORY CHECK. (a) The department  
 30-61 [~~board~~] shall conduct a criminal history check, including a check  
 30-62 of any criminal history record information maintained by the  
 30-63 Federal Bureau of Investigation, in the manner provided by  
 30-64 Subchapter F, Chapter 411, Government Code, on each applicant for a  
 30-65 license or [~~, registration,~~] security officer commission issued  
 30-66 under this chapter [~~, letter of approval, permit, endorsement, or~~  
 30-67 ~~certification~~]. As part of its criminal history check, the  
 30-68 department [~~board~~] may request that the applicant provide certified  
 30-69 copies of relevant court documents or other records. The failure to

31-1 provide the requested records within a reasonable time as  
 31-2 determined by the department [~~board~~] may result in the application  
 31-3 being considered incomplete. An applicant is not eligible for a  
 31-4 license or security officer [~~registration~~] commission issued  
 31-5 under this chapter [~~letter of approval, permit, endorsement, or~~  
 31-6 ~~certification~~] if the check reveals that the applicant has  
 31-7 committed an act that constitutes grounds for the denial of the  
 31-8 license or [~~registration~~] commission [~~letter of approval,~~  
 31-9 ~~permit, endorsement, or certification~~]. Except as provided by  
 31-10 Subsection (d), each applicant shall submit at the time of  
 31-11 application, including an application for the renewal of a license  
 31-12 or security officer [~~registration~~] commission issued under this  
 31-13 chapter [~~letter of approval, permit, endorsement, or~~  
 31-14 ~~certification~~], fingerprints in the manner prescribed by the  
 31-15 department [~~board~~] accompanied by the fee set by the commission  
 31-16 [~~board~~].

31-17 (b) Before beginning employment as a commissioned security  
 31-18 officer, the applicant must be approved by the department [~~board~~]  
 31-19 based on the results of the check under Subsection (a). To continue  
 31-20 employment in a capacity regulated under this chapter other than as  
 31-21 a commissioned security officer, the applicant must be approved by  
 31-22 the department [~~board~~] based on the results of the check under  
 31-23 Subsection (a) not later than the 120th day after the date the  
 31-24 applicant begins employment in that capacity.

31-25 (c) A license or [~~registration~~] security officer  
 31-26 commission [~~letter of approval, permit, endorsement, or~~  
 31-27 ~~certification~~] issued by the department [~~board~~] is conditional on  
 31-28 the department's review [~~board's receipt~~] of criminal history  
 31-29 record information.

31-30 (d) An applicant who is a peace officer is not required to  
 31-31 submit fingerprints with the applicant's application. On request,  
 31-32 the law enforcement agency or other entity that employs the peace  
 31-33 officer or the entity that maintains the peace officer's  
 31-34 fingerprints shall provide the fingerprints for the peace officer  
 31-35 to the department [~~board~~]. The applicant shall provide sufficient  
 31-36 information to the department [~~board~~] to enable the department  
 31-37 [~~board~~] to obtain the fingerprints under this subsection.

31-38 (e) On receipt of notice that a check of the applicant's  
 31-39 criminal record has uncovered an unresolved and potentially  
 31-40 disqualifying arrest that occurred before the 10th anniversary of  
 31-41 the date the application is filed, the applicant must provide a  
 31-42 letter of reference from the county sheriff, prosecuting attorney,  
 31-43 or judge of the county in which the applicant was arrested stating  
 31-44 that a record of a disposition related to the arrest does not exist,  
 31-45 and to the best of the county sheriff's, prosecuting attorney's, or  
 31-46 judge's knowledge the applicant is free of any disqualifying  
 31-47 convictions. If the applicant fails to provide either the letter of  
 31-48 reference or documentary proof of the final disposition of the  
 31-49 arrest, the application is considered incomplete and the applicant  
 31-50 may not be issued a license or security officer [~~7~~] commission [~~7~~  
 31-51 ~~endorsement, or certificate of registration~~] under this chapter.

31-52 SECTION 5.085. Section 1702.283, Occupations Code, is  
 31-53 amended to read as follows:

31-54 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been  
 31-55 convicted of cruelty to animals under Section 42.09 or 42.092,  
 31-56 Penal Code, [+]

31-57 [~~(1) is ineligible for a license as a guard dog company~~  
 31-58 ~~or for endorsement as a dog trainer, and~~

31-59 [~~(2)~~] may not be employed to work with dogs as a  
 31-60 security officer by a security services contractor or security  
 31-61 department of a private business that uses dogs to protect  
 31-62 individuals or property or to conduct investigations.

31-63 SECTION 5.086. Section 1702.284(a), Occupations Code, is  
 31-64 amended to read as follows:

31-65 (a) Information contained in alarm systems records  
 31-66 maintained by a governmental body that concerns the location of an  
 31-67 alarm system, the name of the occupant of an alarm system location,  
 31-68 or the type of alarm system used is confidential and may be  
 31-69 disclosed only to the department [~~board~~], to the alarm company to

32-1 which the confidential records relate, or as otherwise required by  
32-2 state law or court order.

32-3 SECTION 5.087. Section 1702.285, Occupations Code, is  
32-4 amended to read as follows:

32-5 Sec. 1702.285. FALSE REPRESENTATION. A person may not  
32-6 represent falsely that the person:

32-7 (1) is employed by a company license holder; or

32-8 (2) has a license or security officer commission [~~is~~  
32-9 ~~licensed, registered, endorsed, or commissioned~~] under this  
32-10 chapter.

32-11 SECTION 5.088. Sections 1702.288(a), (d), and (f),  
32-12 Occupations Code, are amended to read as follows:

32-13 (a) The commission [~~board~~] shall adopt rules in accordance  
32-14 with this section that require a company license holder acting as an  
32-15 alarm systems company under this chapter to inform each of the  
32-16 license holder's clients that the client is entitled to receive a  
32-17 written contract for alarm system services that contains the  
32-18 client's fee arrangement and other relevant information about  
32-19 services to be rendered.

32-20 (d) The rules shall require that, not later than the seventh  
32-21 day after the date of entering into a contract for services  
32-22 regulated by the department [~~board~~] with another alarm systems  
32-23 company or alarm systems monitor, an alarm systems company shall:

32-24 (1) notify the recipient of those services of the  
32-25 name, address, and telephone number and individual to contact at  
32-26 the company that purchased the contract;

32-27 (2) notify the recipient of services at the time the  
32-28 contract is negotiated that another licensed company may provide  
32-29 any of the services requested by subcontracting or outsourcing  
32-30 those services; and

32-31 (3) if any of the services are subcontracted or  
32-32 outsourced to a licensed third party, notify the recipient of  
32-33 services, by mail, of the name, address, phone number, and license  
32-34 number of the company providing those services.

32-35 (f) A company license holder acting as an alarm systems  
32-36 company does not have to provide the notice required under  
32-37 Subsection (d) if the contact information, including the address  
32-38 and the telephone numbers for the alarm systems company, has not  
32-39 changed.

32-40 SECTION 5.089. Section 1702.289, Occupations Code, is  
32-41 amended to read as follows:

32-42 Sec. 1702.289. INSPECTIONS. (a) An employee or agent of  
32-43 the department [~~or board, as applicable,~~] who enters the place of  
32-44 business of a person regulated under this chapter for the purpose of  
32-45 conducting an inspection or audit must:

32-46 (1) notify the manager or owner of the business of the  
32-47 presence of the person conducting the inspection or audit; and

32-48 (2) present the manager or owner of the business with  
32-49 credentials that identify the person conducting the inspection or  
32-50 audit as an employee or agent of the department [~~or board~~].

32-51 (b) This section does not prohibit the department [~~or board~~]  
32-52 from conducting an undercover investigation or covert audit in  
32-53 order to determine compliance with this chapter or a rule adopted  
32-54 under this chapter.

32-55 SECTION 5.090. Sections 1702.301(b), (c), and (h),  
32-56 Occupations Code, are amended to read as follows:

32-57 (b) A company license, individual license, and security  
32-58 officer commission expire on the dates determined by the commission  
32-59 under Section 411.511, Government Code, but not later than [~~expires~~  
32-60 ~~on~~] the second anniversary of the date the license or commission is  
32-61 issued.

32-62 (c) A personal protection officer license [~~endorsement~~]  
32-63 expires on the date determined by the commission under Section  
32-64 411.511, Government Code, but not later than [~~on~~] the expiration  
32-65 date of the security officer commission under which the license  
32-66 [~~individual's endorsement~~] is issued.

32-67 (h) A license [~~, registration, or endorsement~~] issued under  
32-68 this chapter, other than one specified in this section, expires on  
32-69 the date determined by the commission under Section 411.511,

33-1 Government Code, but not later than the second anniversary of the  
 33-2 date the license is issued [~~specified by this chapter or by board~~  
 33-3 ~~rule~~].

33-4 SECTION 5.091. Sections 1702.302(a), (b), (c), and (e),  
 33-5 Occupations Code, are amended to read as follows:

33-6 (a) A person who is otherwise eligible to renew a license  
 33-7 may renew an unexpired license by paying the required renewal fee to  
 33-8 the department [~~board~~] before the expiration date of the license. A  
 33-9 person whose license has expired may not engage in activities that  
 33-10 require a license until the license has been renewed.

33-11 (b) A person whose license has been expired for 90 days or  
 33-12 less may renew the license by paying to the department [~~board~~] a  
 33-13 renewal fee that is equal to 1-1/2 times the normally required  
 33-14 renewal fee.

33-15 (c) A person whose license has been expired for longer than  
 33-16 90 days but less than one year may renew the license by paying to the  
 33-17 department [~~board~~] a renewal fee that is equal to two times the  
 33-18 normally required renewal fee.

33-19 (e) Not later than the 30th day before the date a person's  
 33-20 license is scheduled to expire, the department [~~board~~] shall send  
 33-21 written notice of the impending expiration to the person at the  
 33-22 person's last known address according to the department's [~~board's~~]  
 33-23 records.

33-24 SECTION 5.092. Section 1702.303, Occupations Code, is  
 33-25 amended to read as follows:

33-26 Sec. 1702.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE  
 33-27 PRACTITIONER. A person who was licensed in this state, moved to  
 33-28 another state, and is currently licensed and has been in practice in  
 33-29 the other state for the two years preceding the date the person  
 33-30 applies for renewal may obtain a new license without reexamination.  
 33-31 The person must pay to the department [~~board~~] a fee that is equal to  
 33-32 two times the normally required renewal fee for the license.

33-33 SECTION 5.093. Sections 1702.308(b) and (c), Occupations  
 33-34 Code, are amended to read as follows:

33-35 (b) The department [~~board~~] shall recognize, prepare, or  
 33-36 administer continuing education programs for company license  
 33-37 holders, commissioned security officers, and individual license  
 33-38 [~~endorsement~~] holders. The commission [~~board~~] shall set the  
 33-39 minimum number of hours that must be completed and the types of  
 33-40 programs that may be offered.

33-41 (c) A company license holder, commissioned security  
 33-42 officer, or individual license [~~endorsement~~] holder must  
 33-43 participate in the programs to the extent required by the  
 33-44 commission [~~board~~] to keep the person's license or [~~7~~] commission  
 33-45 [~~or endorsement~~]. A company license holder, commissioned security  
 33-46 officer, or individual license [~~endorsement~~] holder shall submit  
 33-47 evidence of compliance with the commission's [~~board's~~] continuing  
 33-48 education requirements in a manner prescribed by the department  
 33-49 [~~board~~].

33-50 SECTION 5.094. Section 1702.309(a), Occupations Code, is  
 33-51 amended to read as follows:

33-52 (a) The commission [~~board~~] by rule shall develop a  
 33-53 continuing education course required for renewal of a security  
 33-54 officer commission. Only a department-approved [~~board-approved~~]  
 33-55 instructor may administer the continuing education course. The  
 33-56 course must include at least six hours of instruction determined by  
 33-57 the department [~~chief administrator of the board~~].

33-58 SECTION 5.095. Sections 1702.321(b), (c), and (e),  
 33-59 Occupations Code, are amended to read as follows:

33-60 (b) The provisions of this chapter relating to security  
 33-61 officer commissions apply to a person employed by a political  
 33-62 subdivision whose duties include serving as a security guard,  
 33-63 security watchman, or security patrolman on property owned or  
 33-64 operated by the political subdivision if the governing body of the  
 33-65 political subdivision files a written request with the department  
 33-66 [~~board~~] for the department [~~board~~] to issue a commission to the  
 33-67 political subdivision's employees with those duties.

33-68 (c) The department [~~board~~] may not charge a fee for issuing  
 33-69 a commission to an officer under Subsection (b). The department

34-1 [~~board~~] shall issue to the officer a pocket card designating the  
34-2 political subdivision that employs the officer.

34-3 (e) The department [~~board~~] may approve a security officer  
34-4 training program conducted by the political subdivision in  
34-5 accordance with Sections 1702.1675 and 1702.168.

34-6 SECTION 5.096. Sections 1702.323(c) and (c-1), Occupations  
34-7 Code, are amended to read as follows:

34-8 (c) The security department of a private business may not  
34-9 hire or employ an individual to perform a duty described by Section  
34-10 1702.222 if the individual has been convicted of a crime that would  
34-11 otherwise preclude the individual from being licensed [~~registered~~]  
34-12 under this chapter. The private business shall maintain the  
34-13 individual's criminal history record on file at the business and  
34-14 shall make the record available for inspection by the department  
34-15 [~~Department of Public Safety~~].

34-16 (c-1) Although the security department of a private  
34-17 business that hires or employs an individual as a private security  
34-18 officer to possess a firearm in the course and scope of the  
34-19 individual's duties is required to apply for a security officer  
34-20 commission for the individual under this chapter, the security  
34-21 department of a private business is not required to apply [~~to the~~  
34-22 ~~board~~] for any license under this chapter.

34-23 SECTION 5.097. Section 1702.331(b), Occupations Code, is  
34-24 amended to read as follows:

34-25 (b) This chapter does not apply to:

34-26 (1) an alarm systems company that sells, installs,  
34-27 services, monitors, or responds to only personal emergency response  
34-28 systems;

34-29 (2) an alarm systems installer who installs,  
34-30 maintains, or repairs only personal emergency response systems; and

34-31 (3) [~~a manager or branch office manager of an alarm~~  
34-32 ~~systems company described by Subdivision (1);~~

34-33 [~~(4) a security salesperson who is employed by an~~  
34-34 ~~alarm systems company described by Subdivision (1) to sell services~~  
34-35 ~~offered by the company; and~~

34-36 [~~(5) an owner[, officer, partner, or shareholder] of~~  
34-37 ~~an alarm systems company described by Subdivision (1).~~

34-38 SECTION 5.098. Sections 1702.332(c) and (d), Occupations  
34-39 Code, are amended to read as follows:

34-40 (c) To qualify for the exemption provided by Subsection (b),  
34-41 a telematics service provider shall [+  
34-42 [~~(1)~~] establish business practices and procedures

34-43 that are at least as stringent as the guidelines established by the  
34-44 Association of Public Safety Communications Officials  
34-45 International regarding the communication of information from  
34-46 telematics service providers to public safety agencies[~~, and~~  
34-47 [~~(2) pay an annual fee of \$2,500 to the department~~].

34-48 (d) The commission [~~department~~] may adopt rules necessary  
34-49 to carry out the purposes of this section, including rules to  
34-50 determine whether a telematics service provider is complying with  
34-51 Subsection (c).

34-52 SECTION 5.099. Section 1702.361, Occupations Code, is  
34-53 amended to read as follows:

34-54 Sec. 1702.361. DENIAL AND DISCIPLINARY ACTIONS; GROUNDS.

34-55 (a) The commission [~~department~~], for conduct described by  
34-56 Subsection (b), may:

34-57 (1) deny an application or revoke, suspend, or refuse  
34-58 to renew a license[~~, registration, endorsement,~~] or security  
34-59 officer commission;

34-60 (2) reprimand a license holder[~~, registrant,~~] or  
34-61 commissioned security officer; or

34-62 (3) place on probation a person whose license[~~,  
34-63 registration, endorsement,~~] or security officer commission has  
34-64 been suspended.

34-65 (b) The commission [~~department~~] shall take disciplinary  
34-66 action described by Subsection (a) on proof:

34-67 (1) that the applicant, license holder, [~~manager or~~]  
34-68 majority owner of a license holder, [~~registrant, endorsement~~  
34-69 ~~holder,~~] or commissioned security officer has:

35-1 (A) violated this chapter or a rule adopted under  
35-2 this chapter;

35-3 (B) become ineligible for licensure[  
35-4 ~~registration, or endorsement under Section 1702.113,~~] or a security  
35-5 officer commission under Section 1702.163, if applicable, other  
35-6 than an action for which the department has taken summary action  
35-7 under Section 1702.364;

35-8 (C) engaged in fraud, deceit, or  
35-9 misrepresentation;

35-10 (D) made a material misstatement in an  
35-11 application for or renewal of a license[~~registration,~~  
35-12 ~~endorsement,~~] or commission;

35-13 (E) failed to pay in full an administrative  
35-14 penalty assessed under Subchapter R, Chapter 411, Government Code  
35-15 [Q], for which the commission [board] has issued a final order; or

35-16 (F) performed any service for which an individual  
35-17 license [endorsement] is required under this chapter and either:

35-18 (i) was not employed with a company  
35-19 licensed under this chapter at the time the service was performed;  
35-20 or

35-21 (ii) performed the service for a company  
35-22 licensed under this chapter that was not listed on the individual's  
35-23 individual license [registration] without informing the department  
35-24 [~~board~~] of the individual's employment with the company within a  
35-25 reasonable period; or

35-26 [~~(C) failed to qualify a new manager within the~~  
35-27 ~~time required by board rule following the termination of a manager,~~  
35-28 ~~or]~~

35-29 (2) that the company license holder employing an  
35-30 individual license holder [of a registrant] or commissioned  
35-31 security officer has submitted to the department sufficient  
35-32 evidence that the individual license holder [registrant] or  
35-33 commissioned security officer:

35-34 (A) engaged in fraud or deceit while employed by  
35-35 the company license holder; or

35-36 (B) committed theft while performing work as an  
35-37 individual license holder [a registrant] or commissioned security  
35-38 officer.

35-39 (c) The commission [department] may place on probation a  
35-40 person whose license is suspended. If a person's suspension of a  
35-41 license is probated, the commission [department] may require the  
35-42 person:

35-43 (1) to report regularly to the department on matters  
35-44 that are the basis of the suspension;

35-45 (2) to limit practice to the areas prescribed by the  
35-46 commission [department]; or

35-47 (3) to continue or review professional education until  
35-48 the person attains a degree of skill satisfactory to the commission  
35-49 [~~department~~] in those areas that are the basis of the probation.

35-50 (d) The commission [department] may revoke a license[  
35-51 ~~certificate, registration, endorsement,~~] or security officer  
35-52 commission if the person holding that credential under this chapter  
35-53 submits payment of a fee or penalty that is returned for  
35-54 insufficient funds and the person has received notice and an  
35-55 opportunity to provide payment in full.

35-56 SECTION 5.100. Section 1702.363, Occupations Code, is  
35-57 amended to read as follows:

35-58 Sec. 1702.363. APPLICATION OF ADMINISTRATIVE PROCEDURE  
35-59 ACT. Except as provided by Section [Sections 1702.3615(b) and]  
35-60 1702.364, a person regulated under this chapter against whom the  
35-61 commission [board] has taken action is entitled to a hearing before  
35-62 the State Office of Administrative Hearings. A proceeding under  
35-63 this section is a contested case that is governed by Chapter 2001,  
35-64 Government Code.

35-65 SECTION 5.101. Sections 1702.364(a), (b), (c), (d), (e),  
35-66 and (f), Occupations Code, are amended to read as follows:

35-67 (a) On receiving written notice from a law enforcement  
35-68 agency that a person has been charged with or convicted of an  
35-69 offense that would make the person ineligible for a license[

36-1 ~~certificate of registration, endorsement,~~ or security officer  
 36-2 commission under Section 1702.113 or 1702.163, or a rule adopted  
 36-3 under Section 1702.004(b), the commission [~~department~~] shall:

36-4 (1) summarily deny the person's application for a  
 36-5 license[~~, registration, endorsement,~~] or security officer  
 36-6 commission;

36-7 (2) in the event of pending charges, summarily suspend  
 36-8 the person's license[~~, certificate of registration, endorsement,~~]  
 36-9 or security officer commission; or

36-10 (3) in the event of a conviction, summarily revoke the  
 36-11 person's license[~~, certificate of registration, endorsement,~~] or  
 36-12 security officer commission.

36-13 (b) To initiate a proceeding to take action under Subsection  
 36-14 (a), the department must serve notice to the person. The notice  
 36-15 must:

36-16 (1) inform the person of the person's right to a  
 36-17 [~~preliminary~~] hearing before the department or the department's  
 36-18 designee;

36-19 (2) state the basis for the summary action; and

36-20 (3) be personally served on the person or the person's  
 36-21 authorized representative, or sent to the person by certified or  
 36-22 registered mail, return receipt requested, to the person's mailing  
 36-23 address as it appears in the department's records.

36-24 (c) The action is effective at the time notice is served.  
 36-25 The person shall immediately surrender to the department any  
 36-26 [~~certificate of registration,~~] security officer commission, pocket  
 36-27 card, or other form of identification issued by the department.

36-28 (d) At a [~~preliminary~~] hearing under this section, the  
 36-29 person must show cause why:

36-30 (1) the application should not have been denied;

36-31 (2) the [~~registration,~~] license[~~, endorsement,~~] or  
 36-32 security officer commission should not have been suspended; or

36-33 (3) the [~~registration,~~] license[~~, endorsement,~~] or  
 36-34 commission should not have been revoked.

36-35 (e) Chapter 2001, Government Code, applies [~~does not apply~~]  
 36-36 to a proceeding under this section for the summary denial of an  
 36-37 application for or the summary suspension or revocation of a  
 36-38 license or security officer commission [~~the department's initial~~  
 36-39 ~~action under this section or to a preliminary hearing before the~~  
 36-40 ~~department under this section~~].

36-41 (f) The dismissal of a complaint, information, or  
 36-42 indictment or an acquittal releases the person from automatic  
 36-43 grounds for a summary denial of an application or summary  
 36-44 suspension of a license or [~~registration, endorsement, or~~] security  
 36-45 officer commission under this section. A conviction for the  
 36-46 offense giving rise to a summary suspension is automatic grounds  
 36-47 for immediate, summary revocation.

36-48 SECTION 5.102. Section 1702.365, Occupations Code, is  
 36-49 amended to read as follows:

36-50 Sec. 1702.365. ABDUCTION OF CHILD. The commission [~~board~~]  
 36-51 shall revoke a person's license[~~, registration, endorsement,~~] or  
 36-52 security officer commission or deny a person's application for, or  
 36-53 renewal of, a license[~~, registration, endorsement,~~] or security  
 36-54 officer commission on proof that the person or an agent of the  
 36-55 person has, after the date of application for a license[~~,  
 36-56 registration, endorsement,~~] or security officer commission,  
 36-57 abducted or attempted to abduct by force or the threat of force or  
 36-58 by misrepresentation, stealth, or unlawful entry a child who at the  
 36-59 time of the abduction or attempt is under the care and control of a  
 36-60 person who:

36-61 (1) has custody or physical possession of the child  
 36-62 under a court order; or

36-63 (2) is exercising the care and control with the  
 36-64 consent of a person who has custody or physical possession of the  
 36-65 child under a court order.

36-66 SECTION 5.103. Sections 1702.367(a), (c), (d), and (e),  
 36-67 Occupations Code, are amended to read as follows:

36-68 (a) For an investigation conducted under this chapter, if  
 36-69 necessary to enforce this chapter or the commission [~~board's~~] rules

37-1 adopted under this chapter, the department may issue an  
37-2 administrative subpoena to any person in this state compelling:

- 37-3 (1) the production of information or documents; or
- 37-4 (2) the attendance and testimony of a witness.

37-5 (c) A person required to testify or to produce a record or  
37-6 document on any matter properly under inquiry by the department  
37-7 [~~board~~] who refuses to testify or to produce the record or document  
37-8 on the ground that the testimony or the production of the record or  
37-9 document would incriminate or tend to incriminate the person is  
37-10 nonetheless required to testify or to produce the record or  
37-11 document. A person who is required to testify or to produce a  
37-12 record or document under this subsection is not subject to  
37-13 indictment or prosecution for a transaction, matter, or thing  
37-14 concerning which the person truthfully testifies or produces  
37-15 evidence.

37-16 (d) If a witness refuses to obey a subpoena or to give  
37-17 evidence relevant to proper inquiry by the department [~~board~~], the  
37-18 department [~~board~~] may petition a district court of the county in  
37-19 which the hearing is held to compel the witness to obey the subpoena  
37-20 or to give the evidence. The court shall immediately issue process  
37-21 to the witness and shall hold a hearing on the petition as soon as  
37-22 possible.

37-23 (e) An investigator employed by the department [~~board~~] may  
37-24 take statements under oath in an investigation of a matter covered  
37-25 by this chapter.

37-26 SECTION 5.104. Section 1702.368, Occupations Code, is  
37-27 amended to read as follows:

37-28 Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN  
37-29 OFFENSES. The department shall notify the [~~board and the~~] police  
37-30 department of the municipality and the sheriff's department of the  
37-31 county in which a person licensed[~~, registered,~~] or commissioned  
37-32 under this chapter resides of the conviction of the person for a  
37-33 Class B misdemeanor or equivalent offense or a greater offense.

37-34 SECTION 5.105. Section 1702.372, Occupations Code, is  
37-35 amended to read as follows:

37-36 Sec. 1702.372. RECUSAL OF COMMISSION [~~BOARD~~] MEMBER.

37-37 (a) A commission [~~board~~] member who participated in the  
37-38 investigation of a complaint of a violation of this chapter or in  
37-39 informal settlement negotiations regarding the complaint:

37-40 (1) may not vote on the matter at a commission [~~board~~]  
37-41 meeting related to the complaint; and

37-42 (2) shall state at the meeting the reason for which the  
37-43 member is prohibited from voting on the matter.

37-44 (b) A statement under Subsection (a)(2) shall be entered  
37-45 into the minutes of the meeting.

37-46 SECTION 5.106. Section 1702.381(b), Occupations Code, is  
37-47 amended to read as follows:

37-48 (b) A person who contracts with or employs a person who is  
37-49 required to hold a license[~~, registration, endorsement,~~] or  
37-50 security officer commission under this chapter knowing that the  
37-51 person does not hold the required license[~~, registration,~~  
37-52 ~~endorsement,~~] or commission or who otherwise, at the time of  
37-53 contract or employment, is in violation of this chapter may be  
37-54 assessed a civil penalty to be paid to the state in an amount not to  
37-55 exceed \$10,000 for each violation.

37-56 SECTION 5.107. Section 1702.386(a), Occupations Code, is  
37-57 amended to read as follows:

37-58 (a) A person commits an offense if the person contracts with  
37-59 or employs a person who is required to hold a license[~~, registration, endorsement,~~]  
37-60 ~~registration, endorsement,~~] or commission under this chapter  
37-61 knowing that the person does not hold the required license[~~, registration,~~  
37-62 ~~registration, endorsement,~~] or commission or who otherwise, at the  
37-63 time of contract or employment, is in violation of this chapter.

37-64 SECTION 5.108. Section 1702.3863(a), Occupations Code, is  
37-65 amended to read as follows:

37-66 (a) A person commits an offense if the person contracts with  
37-67 or is employed by a bail bond surety as defined by Chapter 1704 to  
37-68 secure the appearance of a person who has violated Section 38.10,  
37-69 Penal Code, unless the person is:

38-1 (1) a peace officer;  
 38-2 (2) an individual [~~endorsed or~~] licensed as a private  
 38-3 investigator [~~or the manager of a licensed investigations company~~];  
 38-4 or

38-5 (3) a commissioned security officer employed by a  
 38-6 licensed guard company.

38-7 SECTION 5.109. Section 1702.387(a), Occupations Code, is  
 38-8 amended to read as follows:

38-9 (a) A person commits an offense if the person fails to  
 38-10 surrender or immediately return to the department [~~board~~] the  
 38-11 person's [~~registration~~] commission, pocket card, or other  
 38-12 identification issued to the person by the department under this  
 38-13 chapter [~~board~~] on notification of a summary suspension or summary  
 38-14 denial under Section 1702.364.

38-15 SECTION 5.110. Section 1702.3875(a), Occupations Code, is  
 38-16 amended to read as follows:

38-17 (a) A person commits an offense if the person:

38-18 (1) impersonates a commissioned or noncommissioned  
 38-19 security officer with the intent to induce another to submit to the  
 38-20 person's pretended authority or to rely on the person's pretended  
 38-21 acts of a security officer; or

38-22 (2) knowingly purports to exercise any function that  
 38-23 requires licensure [~~registration~~] as a noncommissioned security  
 38-24 officer or a security officer commission.

38-25 SECTION 5.111. Section 1702.388(b), Occupations Code, is  
 38-26 amended to read as follows:

38-27 (b) An offense under this section is a Class A misdemeanor,  
 38-28 except that the offense is a felony of the third degree if the  
 38-29 person has previously been convicted under this chapter of failing  
 38-30 to hold a license, [~~registration, endorsement,~~] certificate of  
 38-31 insurance, or commission that the person is required to hold under  
 38-32 this chapter.

38-33 SECTION 5.112. Section 411.042(b), Government Code, is  
 38-34 amended to read as follows:

38-35 (b) The bureau of identification and records shall:

38-36 (1) procure and file for record photographs, pictures,  
 38-37 descriptions, fingerprints, measurements, and other pertinent  
 38-38 information of all persons arrested for or charged with a criminal  
 38-39 offense or convicted of a criminal offense, regardless of whether  
 38-40 the conviction is probated;

38-41 (2) collect information concerning the number and  
 38-42 nature of offenses reported or known to have been committed in the  
 38-43 state and the legal steps taken in connection with the offenses, and  
 38-44 other information useful in the study of crime and the  
 38-45 administration of justice, including information that enables the  
 38-46 bureau to create a statistical breakdown of:

38-47 (A) offenses in which family violence was  
 38-48 involved;

38-49 (B) offenses under Sections 22.011 and 22.021,  
 38-50 Penal Code; and

38-51 (C) offenses under Sections 20A.02, 43.02(a),  
 38-52 43.02(b), 43.03, and 43.05, Penal Code;

38-53 (3) make ballistic tests of bullets and firearms and  
 38-54 chemical analyses of bloodstains, cloth, materials, and other  
 38-55 substances for law enforcement officers of the state;

38-56 (4) cooperate with identification and crime records  
 38-57 bureaus in other states and the United States Department of  
 38-58 Justice;

38-59 (5) maintain a list of all previous background checks  
 38-60 for applicants for any position regulated under Chapter 1702,  
 38-61 Occupations Code, who have undergone a criminal history background  
 38-62 check as required by that chapter [~~under Section 411.119~~], if the  
 38-63 check indicates a Class B misdemeanor or equivalent offense or a  
 38-64 greater offense;

38-65 (6) collect information concerning the number and  
 38-66 nature of protective orders and magistrate's orders of emergency  
 38-67 protection and all other pertinent information about all persons  
 38-68 subject to active orders, including pertinent information about  
 38-69 persons subject to conditions of bond imposed for the protection of

39-1 the victim in any family violence, sexual assault or abuse,  
39-2 stalking, or trafficking case. Information in the law enforcement  
39-3 information system relating to an active order shall include:

39-4 (A) the name, sex, race, date of birth, personal  
39-5 descriptors, address, and county of residence of the person to whom  
39-6 the order is directed;

39-7 (B) any known identifying number of the person to  
39-8 whom the order is directed, including the person's social security  
39-9 number or driver's license number;

39-10 (C) the name and county of residence of the  
39-11 person protected by the order;

39-12 (D) the residence address and place of employment  
39-13 or business of the person protected by the order, unless that  
39-14 information is excluded from the order under Article 17.292(e),  
39-15 Code of Criminal Procedure;

39-16 (E) the child-care facility or school where a  
39-17 child protected by the order normally resides or which the child  
39-18 normally attends, unless that information is excluded from the  
39-19 order under Article 17.292(e), Code of Criminal Procedure;

39-20 (F) the relationship or former relationship  
39-21 between the person who is protected by the order and the person to  
39-22 whom the order is directed;

39-23 (G) the conditions of bond imposed on the person  
39-24 to whom the order is directed, if any, for the protection of a  
39-25 victim in any family violence, sexual assault or abuse, stalking,  
39-26 or trafficking case;

39-27 (H) any minimum distance the person subject to  
39-28 the order is required to maintain from the protected places or  
39-29 persons; and

39-30 (I) the date the order expires;

39-31 (7) grant access to criminal history record  
39-32 information in the manner authorized under Subchapter F;

39-33 (8) collect and disseminate information regarding  
39-34 offenders with mental impairments in compliance with Chapter 614,  
39-35 Health and Safety Code; and

39-36 (9) record data and maintain a state database for a  
39-37 computerized criminal history record system and computerized  
39-38 juvenile justice information system that serves:

39-39 (A) as the record creation point for criminal  
39-40 history record information and juvenile justice information  
39-41 maintained by the state; and

39-42 (B) as the control terminal for the entry of  
39-43 records, in accordance with federal law and regulations, federal  
39-44 executive orders, and federal policy, into the federal database  
39-45 maintained by the Federal Bureau of Investigation.

39-46 SECTION 5.113. (a) Section 411.119, Government Code, is  
39-47 repealed.

39-48 (b) The following provisions of the Occupations Code are  
39-49 repealed:

- 39-50 (1) Section 1702.002(1-b);
- 39-51 (2) Section 1702.002(3);
- 39-52 (3) Section 1702.002(6-b);
- 39-53 (4) Section 1702.002(11);
- 39-54 (5) Section 1702.002(12);
- 39-55 (6) Section 1702.002(13);
- 39-56 (7) Section 1702.002(14);
- 39-57 (8) Section 1702.002(19);
- 39-58 (9) Section 1702.002(20);
- 39-59 (10) Section 1702.027(c);
- 39-60 (11) Section 1702.028;
- 39-61 (12) Section 1702.030;
- 39-62 (13) Section 1702.043;
- 39-63 (14) Section 1702.047;
- 39-64 (15) Section 1702.0611;
- 39-65 (16) Section 1702.0612;
- 39-66 (17) Section 1702.066;
- 39-67 (18) Section 1702.081;
- 39-68 (19) Section 1702.082;
- 39-69 (20) Section 1702.083;

- 40-1 (21) Section 1702.1045;  
 40-2 (22) Section 1702.109;  
 40-3 (23) Section 1702.111;  
 40-4 (24) Section 1702.113(d);  
 40-5 (25) Section 1702.116;  
 40-6 (26) Section 1702.119;  
 40-7 (27) Section 1702.120;  
 40-8 (28) Section 1702.121;  
 40-9 (29) Section 1702.183;  
 40-10 (30) Section 1702.225;  
 40-11 (31) Section 1702.227;  
 40-12 (32) Section 1702.228;  
 40-13 (33) Sections 1702.301(a), (d), (e), (f), and (g);  
 40-14 (34) Section 1702.304;  
 40-15 (35) Section 1702.307;  
 40-16 (36) Section 1702.3615;  
 40-17 (37) Section 1702.362;  
 40-18 (38) Sections 1702.364(g), (h), and (i);  
 40-19 (39) Section 1702.371;  
 40-20 (40) Section 1702.385; and  
 40-21 (41) Subchapter Q, Chapter 1702.

40-22 SECTION 5.114. (a) On September 1, 2019, the terms of the  
 40-23 members serving on the Texas Private Security Board expire and the  
 40-24 Texas Private Security Board is abolished.

40-25 (b) As soon as practicable after the effective date of this  
 40-26 Act, the Public Safety Commission shall appoint members to the  
 40-27 Texas Private Security Advisory Committee in accordance with  
 40-28 Section 1702.021, Occupations Code, as amended by this Act. A board  
 40-29 member whose term expired under Subsection (a) of this section is  
 40-30 eligible for reappointment to the advisory committee.

40-31 (c) The members of the Texas Private Security Board whose  
 40-32 terms expire under Subsection (a) of this section shall continue to  
 40-33 provide advice to the Department of Public Safety until a majority  
 40-34 of the members of the Texas Private Security Advisory Committee are  
 40-35 appointed under Subsection (b) of this section and qualified.

40-36 SECTION 5.115. (a) In this section:

- 40-37 (1) "Commission" means the Public Safety Commission.  
 40-38 (2) "Department" means the Department of Public  
 40-39 Safety.  
 40-40 (3) "Former board" means the Texas Private Security  
 40-41 Board.

40-42 (b) On September 1, 2019:

40-43 (1) all functions and activities performed by the  
 40-44 former board immediately before that date are transferred to the  
 40-45 department;

40-46 (2) all rules, fees, policies, procedures, decisions,  
 40-47 and forms adopted by the former board are continued in effect as  
 40-48 rules, fees, policies, procedures, decisions, and forms of the  
 40-49 commission or the department, as applicable, and remain in effect  
 40-50 until amended or replaced by the commission or department;

40-51 (3) a complaint, investigation, contested case, or  
 40-52 other proceeding before the former board that is pending on  
 40-53 September 1, 2019, is transferred without change in status to the  
 40-54 department or the commission, as appropriate;

40-55 (4) all money, contracts, leases, property, and  
 40-56 obligations of the former board are transferred to the department;

40-57 (5) all property in the custody of the former board is  
 40-58 transferred to the department; and

40-59 (6) the unexpended and unobligated balance of any  
 40-60 money appropriated by the legislature for the former board is  
 40-61 transferred to the department.

40-62 (c) The former board shall provide the department with  
 40-63 access to any systems or information necessary for the department  
 40-64 to accept the program transferred under this Act.

40-65 (d) A license, certificate, or other authorization issued  
 40-66 by the former board is continued in effect as a license,  
 40-67 certificate, or other authorization of the department.

40-68 SECTION 5.116. On September 1, 2019, the following expire:

- 40-69 (1) any license, registration, endorsement, or other

41-1 authorization required to operate as a guard dog company or trainer  
 41-2 of a dog used to protect persons or property or to conduct  
 41-3 investigations, as described by Chapter 1702, Occupations Code, as  
 41-4 that chapter existed immediately before the effective date of this  
 41-5 Act; and

41-6 (2) any license, registration, endorsement, or other  
 41-7 authorization required to operate as a security salesperson,  
 41-8 private security consultant, or private security consulting  
 41-9 company, as described by Chapter 1702, Occupations Code, as that  
 41-10 chapter existed immediately before the effective date of this Act.

41-11 SECTION 5.117. As soon as practicable after the effective  
 41-12 date of this Act, the Public Safety Commission shall adopt rules  
 41-13 necessary to implement the changes in law made by this Act to  
 41-14 Chapter 1702, Occupations Code.

41-15 SECTION 5.118. The changes in law made by this Act amending  
 41-16 Chapter 1702, Occupations Code, do not affect the validity of a  
 41-17 disciplinary action or other proceeding that was initiated before  
 41-18 the effective date of this Act and that is pending before a court or  
 41-19 other governmental entity on the effective date of this Act.

41-20 SECTION 5.119. (a) A violation of Chapter 1702,  
 41-21 Occupations Code, that is repealed or amended by this Act is  
 41-22 governed by the law in effect when the violation was committed, and  
 41-23 the former law is continued in effect for that purpose.

41-24 (b) For purposes of this section, a violation was committed  
 41-25 before the effective date of this Act if any element of the  
 41-26 violation occurred before that date.

41-27 ARTICLE 6. CONDITIONAL TRANSFER OF DRIVER'S LICENSE PROGRAMS FROM  
 41-28 DEPARTMENT OF PUBLIC SAFETY TO DEPARTMENT OF MOTOR VEHICLES

41-29 SECTION 6.001. Sections 521.001(a)(1-a) and (2),  
 41-30 Transportation Code, are amended to read as follows:

41-31 (1-a) "Department" means the Texas Department of Motor  
 41-32 Vehicles [Public Safety].

41-33 (2) "Director" means the executive [public safety]  
 41-34 director of the department.

41-35 SECTION 6.002. Section 521.001(c), Transportation Code, is  
 41-36 amended to read as follows:

41-37 (c) The department by rule may define types of vehicles that  
 41-38 are "motorcycles" for the purposes of this chapter, in addition to  
 41-39 those defined under Subsection (a)(6-a), ~~and [The Texas~~  
 41-40 ~~Department of Motor Vehicles by rule may define the types of~~  
 41-41 ~~vehicles that are "motorcycles"]~~ for the purposes of Chapters 501,  
 41-42 502, and 503. This subsection applies only to vehicles  
 41-43 manufactured by a manufacturer licensed under Chapter 2301,  
 41-44 Occupations Code.

41-45 SECTION 6.003. Subchapter A, Chapter 521, Transportation  
 41-46 Code, is amended by adding Section 521.0015 to read as follows:

41-47 Sec. 521.0015. STATUTORY REFERENCES. A statutory reference  
 41-48 to the Department of Public Safety means the Texas Department of  
 41-49 Motor Vehicles if the statutory reference concerns:

41-50 (1) the administration of the programs established by  
 41-51 this chapter, Chapter 522, and other law that license a person to  
 41-52 operate a motor vehicle, as defined by Section 501.002, or a  
 41-53 commercial motor vehicle, as defined by Section 522.003, in this  
 41-54 state; or

41-55 (2) the administration of Chapter 521A.

41-56 SECTION 6.004. (a) In this section:

41-57 (1) "Former administrator" means the Department of  
 41-58 Public Safety.

41-59 (2) "Licensing program" means:

41-60 (A) the programs established by Chapters 521 and  
 41-61 522, Transportation Code, and other law, that license a person to  
 41-62 operate in this state a motor vehicle, as defined by Section  
 41-63 501.002, Transportation Code, or a commercial motor vehicle, as  
 41-64 defined by Section 522.003, Transportation Code; and

41-65 (B) the program to issue election identification  
 41-66 certificates under Chapter 521A, Transportation Code.

41-67 (3) "New administrator" means the Texas Department of  
 41-68 Motor Vehicles.

41-69 (4) "Work group" means the work group established

42-1 under Subsection (b) of this section.

42-2 (b) As soon as practicable after the effective date of this  
42-3 section, the former administrator and the new administrator shall  
42-4 establish a work group to plan the transfer of the licensing program  
42-5 from the former administrator to the new administrator.

42-6 (c) The work group shall:

42-7 (1) adopt a transition plan to provide for the orderly  
42-8 transfer of powers, duties, functions, programs, and activities  
42-9 related to the licensing program, including:

42-10 (A) a plan that ensures the transfer of the  
42-11 licensing program will be completed on or before August 31, 2021;  
42-12 and

42-13 (B) completion dates for substantial phases of  
42-14 the licensing program's transfer;

42-15 (2) implement the transition plan described by  
42-16 Subdivision (1) of this subsection; and

42-17 (3) provide a quarterly report of the work group's  
42-18 progress in developing and implementing the transition plan  
42-19 described by Subdivision (1) of this subsection to:

42-20 (A) the presiding officer of each house of the  
42-21 legislature;

42-22 (B) the governor; and

42-23 (C) the Sunset Advisory Commission.

42-24 (d) To prepare for the transfer, the former administrator  
42-25 shall provide the new administrator with access to any systems,  
42-26 information, property, records, or personnel necessary for the new  
42-27 administrator to administer the licensing program transferred  
42-28 under this article.

42-29 (e) As soon as practicable after the effective date of this  
42-30 section:

42-31 (1) the new administrator shall study the most  
42-32 effective use of available state and county resources, including  
42-33 personnel, property, and resources potentially available through  
42-34 the adoption of intergovernmental agreements, to administer the  
42-35 licensing program, prioritizing:

42-36 (A) administrative efficiency and cost savings;  
42-37 and

42-38 (B) accessibility of the licensing program for  
42-39 the citizens of this state, including citizens residing in rural  
42-40 areas of this state; and

42-41 (2) the former administrator shall assist in the study  
42-42 described by Subdivision (1) of this subsection as requested by the  
42-43 new administrator.

42-44 (f) On September 1, 2021:

42-45 (1) all licensing program functions and activities  
42-46 performed by the former administrator immediately before that date  
42-47 are transferred to the new administrator;

42-48 (2) all licensing program rules, fees, policies,  
42-49 procedures, decisions, and forms adopted by the former  
42-50 administrator are continued in effect as rules, fees, policies,  
42-51 procedures, decisions, and forms of the new administrator and  
42-52 remain in effect until amended or replaced by the new  
42-53 administrator;

42-54 (3) a licensing program complaint, investigation,  
42-55 contested case, or other proceeding before the former administrator  
42-56 that is pending on September 1, 2021, is transferred without change  
42-57 in status to the new administrator;

42-58 (4) all licensing program money, contracts, leases,  
42-59 property, and obligations of the former administrator are  
42-60 transferred to the new administrator;

42-61 (5) all licensing program property in the custody of  
42-62 the former administrator is transferred to the new administrator;  
42-63 and

42-64 (6) the unexpended and unobligated balance of any  
42-65 money appropriated by the legislature to the former administrator  
42-66 for the purpose of administering the licensing program is  
42-67 transferred to the new administrator.

42-68 (g) On September 1, 2021, a license, certificate,  
42-69 endorsement, or other form of authorization issued by the former

43-1 administrator and related to the licensing program is continued in  
 43-2 effect as a license, certificate, endorsement, or other form of  
 43-3 authorization of the new administrator.

43-4 (h) On September 1, 2021, all full-time equivalent employee  
 43-5 positions at the former administrator that primarily concern the  
 43-6 administration or enforcement of the licensing program become  
 43-7 positions at the new administrator.

43-8 SECTION 6.005. (a) In this section, "driver's license  
 43-9 program" means:

43-10 (1) the programs established by Chapters 521 and 522,  
 43-11 Transportation Code, and other law, that license a person to  
 43-12 operate in this state a motor vehicle, as defined by Section  
 43-13 501.002, Transportation Code, or a commercial motor vehicle, as  
 43-14 defined by Section 522.003, Transportation Code; and

43-15 (2) the program to issue election identification  
 43-16 certificates under Chapter 521A, Transportation Code.

43-17 (b) The Department of Public Safety shall enter into a  
 43-18 contract with an independent, third-party contractor designated by  
 43-19 the comptroller of public accounts to conduct a study that examines  
 43-20 and makes recommendations on the management and operating structure  
 43-21 of the driver's license program and the opportunities and  
 43-22 challenges of transferring the driver's license program.

43-23 (c) Not later than September 1, 2020, the contractor  
 43-24 described by Subsection (b) of this section shall submit a report on  
 43-25 the study conducted under that subsection to the legislature, the  
 43-26 governor, the Sunset Advisory Commission, the Department of Public  
 43-27 Safety, and the Texas Department of Motor Vehicles.

43-28 SECTION 6.006. (a) Subject to Subsection (b) of this  
 43-29 section, this article takes effect immediately if this Act receives  
 43-30 a vote of two-thirds of all the members elected to each house, as  
 43-31 provided by Section 39, Article III, Texas Constitution. If this  
 43-32 Act does not receive the vote necessary for immediate effect, this  
 43-33 article takes effect September 1, 2019.

43-34 (b) Sections 6.001, 6.002, 6.003, and 6.004 of this article  
 43-35 take effect only if the report required by Section 6.005 of this  
 43-36 article is not submitted within the period prescribed by that  
 43-37 section.

#### 43-38 ARTICLE 7. EXPIRATION DATES OF DRIVER'S LICENSES

43-39 SECTION 7.001. Section 521.271(a), Transportation Code, is  
 43-40 amended to read as follows:

43-41 (a) Each original driver's license, provisional license,  
 43-42 learner license, or occupational driver's license issued to an  
 43-43 applicant who is a citizen, national, or legal permanent resident  
 43-44 of the United States or a refugee or asylee lawfully admitted into  
 43-45 the United States expires as follows:

43-46 (1) except as provided by Section 521.2711, a driver's  
 43-47 license expires on the first birthday of the license holder  
 43-48 occurring after the eighth [~~sixth~~] anniversary of the date of the  
 43-49 application;

43-50 (2) a provisional license expires on the 18th birthday  
 43-51 of the license holder;

43-52 (3) a learner license expires on the 18th birthday of  
 43-53 the license holder;

43-54 (4) an occupational driver's license expires on the  
 43-55 first anniversary of the court order granting the license; and

43-56 (5) unless an earlier date is otherwise provided, a  
 43-57 driver's license issued to a person whose residence or domicile is a  
 43-58 correctional facility or a parole facility expires on the first  
 43-59 birthday of the license holder occurring after the first  
 43-60 anniversary of the date of issuance.

43-61 SECTION 7.002. Section 521.421(a), Transportation Code, is  
 43-62 amended to read as follows:

43-63 (a) The fee for issuance or renewal of a license not  
 43-64 otherwise provided for by this section is \$32 [~~\$24~~].

43-65 SECTION 7.003. The changes in law made by this Act to  
 43-66 Sections 521.271 and 521.421, Transportation Code, apply only to a  
 43-67 driver's license issued or renewed on or after June 1, 2020. A  
 43-68 driver's license issued or renewed before June 1, 2020, is governed  
 43-69 by the law in effect immediately before the effective date of this

Act, and the former law is continued in effect for that purpose.

ARTICLE 8. MOTORCYCLE AND OFF-HIGHWAY VEHICLE OPERATOR TRAINING PROGRAMS

SECTION 8.001. Chapter 662, Transportation Code, is amended by adding Section 662.0005 to read as follows:

Sec. 662.0005. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Instructor" means an individual who holds a license issued under this chapter that entitles the individual to provide instruction on motorcycle operation and safety as an employee of a motorcycle school.

(4) "Motorcycle school" means a person who holds a license issued under this chapter that entitles the person to offer and conduct courses on motorcycle operation and safety for consideration as part of the motorcycle operator training and safety program.

SECTION 8.002. Section 662.001, Transportation Code, is amended to read as follows:

Sec. 662.001. ADMINISTRATION OF PROGRAM [~~DESIGNATED STATE AGENCY~~]. The department [~~governor~~] shall [~~designate a state agency to establish and~~] administer a motorcycle operator training and safety program and enforce the laws governing the program.

SECTION 8.003. The heading to Section 662.002, Transportation Code, is amended to read as follows:

Sec. 662.002. PURPOSE OF PROGRAM [~~, CURRICULUM~~].

SECTION 8.004. Section 662.003, Transportation Code, is amended to read as follows:

Sec. 662.003. PROGRAM DIRECTOR. The department [~~designated state agency~~] shall employ as program director a person who is certified as a chief instructor by the Motorcycle Safety Foundation.

SECTION 8.005. Chapter 662, Transportation Code, is amended by adding Sections 662.0033, 662.0035, and 662.0037 to read as follows:

Sec. 662.0033. MINIMUM CURRICULUM STANDARDS. (a) The commission by rule shall establish minimum curriculum standards for courses provided under the motorcycle operator training and safety program.

(b) The department shall approve all courses that meet the curriculum standards established under Subsection (a).

(c) In establishing the minimum curriculum standards for entry-level courses, the commission shall consider the standards for motorcycle operator training and safety courses adopted by the National Highway Traffic Safety Administration.

Sec. 662.0035. FEES. (a) The commission may set fees in amounts reasonable and necessary to cover the costs of administering this chapter.

(b) The renewal fee for a motorcycle school license may not exceed \$100.

(c) The renewal fee for an instructor license may not exceed \$50.

Sec. 662.0037. MOTORCYCLE SAFETY ADVISORY BOARD. (a) The commission shall establish an advisory board to advise the department on matters related to the motorcycle operator training and safety program established under this chapter.

(b) The advisory board must consist of nine members appointed by the presiding officer of the commission, on approval of the commission, as follows:

(1) three members:

(A) each of whom must be a licensed instructor or represent a licensed motorcycle school; and

(B) who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter;

(2) one member who represents the motorcycle dealer retail industry;

45-1                   (3) one representative of a law enforcement agency;  
 45-2                   (4) one representative of the Texas A&M Transportation  
 45-3 Institute;  
 45-4                   (5) one representative of the Texas A&M Engineering  
 45-5 Extension Service; and  
 45-6                   (6) two public members who hold a valid Class M  
 45-7 driver's license issued under Chapter 521.  
 45-8                   (c) The advisory board members serve staggered six-year  
 45-9 terms.  
 45-10                   (d) Chapter 2110, Government Code, does not apply to the  
 45-11 advisory board.  
 45-12                   (e) The department may call a joint meeting of the advisory  
 45-13 board and the advisory committee established under Section  
 45-14 1001.058, Education Code, for the committees to collaborate on  
 45-15 matters determined by the department.  
 45-16                   SECTION 8.006. Section 662.005, Transportation Code, is  
 45-17 amended to read as follows:  
 45-18                   Sec. 662.005. CONTRACTS. (a) The department [~~designated~~  
 45-19 ~~state agency~~] may [~~license or~~] contract with a motorcycle school  
 45-20 for the school [~~qualified persons~~] to:  
 45-21                   (1) offer and conduct motorcycle operator training and  
 45-22 safety courses under the [~~administer or operate the motorcycle~~  
 45-23 operator training and safety] program; or  
 45-24                   (2) research motorcycle safety in this state.  
 45-25                   (b) The department may only execute a contract under this  
 45-26 section after consulting with the motorcycle safety advisory board  
 45-27 regarding the contract.  
 45-28                   SECTION 8.007. Section 662.006(a), Transportation Code, is  
 45-29 amended to read as follows:  
 45-30                   (a) A person may not offer or conduct training in motorcycle  
 45-31 operation for consideration unless the person:  
 45-32                   (1) is licensed as a motorcycle school under this  
 45-33 chapter;  
 45-34                   (2) offers and conducts training in accordance with a  
 45-35 motorcycle operator training curriculum approved by the  
 45-36 department; and  
 45-37                   (3) employs an instructor licensed under this chapter  
 45-38 to conduct the training [~~by or contracts with the designated state~~  
 45-39 agency].  
 45-40                   SECTION 8.008. Chapter 662, Transportation Code, is amended  
 45-41 by adding Sections 662.0062, 662.0064, 662.0066, and 662.0068 to  
 45-42 read as follows:  
 45-43                   Sec. 662.0062. ELIGIBILITY; APPLICATION. (a) To be  
 45-44 eligible for an instructor license, an applicant must:  
 45-45                   (1) have completed a commission-approved training  
 45-46 program on motorcycle operator training and safety instruction  
 45-47 administered by the Texas A&M Engineering Extension Service;  
 45-48                   (2) have held for the two years preceding the date of  
 45-49 submitting the application a valid driver's license that entitles  
 45-50 the applicant to operate a motorcycle on a public road; and  
 45-51                   (3) have accumulated less than 10 points under the  
 45-52 driver responsibility program established by Chapter 708.  
 45-53                   (b) The commission by rule may adopt additional  
 45-54 requirements for issuance of an instructor license.  
 45-55                   (c) To be eligible for a motorcycle school license, an  
 45-56 applicant must meet the minimum standards established by commission  
 45-57 rule for:  
 45-58                   (1) health and safety;  
 45-59                   (2) the school's facility; and  
 45-60                   (3) consumer protection.  
 45-61                   (d) The department shall issue a license to an applicant who  
 45-62 meets the eligibility requirements established under this chapter  
 45-63 and department rule.  
 45-64                   (e) The department may prescribe an application form for  
 45-65 applicants to submit when applying for a license under this  
 45-66 section.  
 45-67                   Sec. 662.0064. INSTRUCTOR TRAINING; ADMINISTRATOR. The  
 45-68 Texas A&M Engineering Extension Service, in consultation with the  
 45-69 department, shall administer the training program required by

46-1 Section 662.0062(a)(1).

46-2 Sec. 662.0066. ALTERNATIVE QUALIFICATIONS. The department  
 46-3 shall issue a license to an applicant who holds a similar license  
 46-4 issued by another jurisdiction with licensing requirements  
 46-5 substantially equivalent to the requirements of this state. The  
 46-6 commission may adopt rules to implement this section.

46-7 Sec. 662.0068. PROGRAM CERTIFICATES. The department shall  
 46-8 issue a certificate of completion to a person who completes a  
 46-9 department-approved motorcycle operator training and safety course  
 46-10 conducted by a motorcycle school on receipt of notice from the  
 46-11 motorcycle school that conducted the course.

46-12 SECTION 8.009. Section 662.008, Transportation Code, is  
 46-13 amended to read as follows:

46-14 Sec. 662.008. DENIAL, SUSPENSION, OR REVOCATION  
 46-15 [CANCELLATION] OF INSTRUCTOR OR MOTORCYCLE SCHOOL LICENSE  
 46-16 [APPROVAL]. (a) The department [~~designated state agency~~] may deny  
 46-17 an application for, suspend, or revoke a license issued [~~cancel its~~  
 46-18 approval for a program sponsor to conduct or for an instructor to  
 46-19 teach a course offered] under this chapter if the applicant,  
 46-20 instructor, or motorcycle school [~~sponsor~~]:

46-21 (1) does not satisfy the requirements established  
 46-22 under this chapter to receive or retain the license [~~approval~~];

46-23 (2) permits fraud or engages in a fraudulent practice  
 46-24 with reference to an application for [~~to~~] the license [~~agency~~];

46-25 (3) induces or countenances fraud or a fraudulent  
 46-26 practice by a person applying for a driver's license or permit;

46-27 (4) permits fraud or engages in a fraudulent practice  
 46-28 in an action between the applicant or license holder and the public;  
 46-29 or

46-30 (5) fails to comply with this chapter or rules adopted  
 46-31 under this chapter [~~of the state agency~~].

46-32 (b) Following denial of an application for a license or  
 46-33 the[~~r~~] suspension[~~r~~] or revocation of a license issued under this  
 46-34 chapter [~~cancellation of the approval of a program sponsor or an~~  
 46-35 instructor], notice and opportunity for a hearing must be given as  
 46-36 provided by:

46-37 (1) Chapter 2001, Government Code; and

46-38 (2) Chapter 53, Occupations Code.

46-39 SECTION 8.010. Section 662.009, Transportation Code, is  
 46-40 amended to read as follows:

46-41 Sec. 662.009. RULES. The commission [~~designated state~~  
 46-42 agency] may adopt rules to administer this chapter.

46-43 SECTION 8.011. Section 662.010, Transportation Code, is  
 46-44 amended to read as follows:

46-45 Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER LAW.  
 46-46 Chapter 1001, Education Code [~~332, Acts of the 60th Legislature,~~  
 46-47 ~~Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil~~  
 46-48 ~~Statutes)], does not apply to training offered or conducted under  
 46-49 this chapter.~~

46-50 SECTION 8.012. Section 662.011, Transportation Code, is  
 46-51 amended by amending Subsection (b) and adding Subsection (d) to  
 46-52 read as follows:

46-53 (b) Money deposited to the credit of the motorcycle  
 46-54 education fund account may be used only to defray the cost of:

46-55 (1) administering the motorcycle operator training  
 46-56 and safety program; [~~and~~]

46-57 (2) conducting the motorcyclist safety and share the  
 46-58 road campaign described by Section 201.621; and

46-59 (3) administering the grant program under Section  
 46-60 662.0115.

46-61 (d) The department may apply for and accept gifts, grants,  
 46-62 and donations from any organization to be deposited in the  
 46-63 motorcycle education fund account for the purpose of improving  
 46-64 motorcycle safety in this state.

46-65 SECTION 8.013. Chapter 662, Transportation Code, is amended  
 46-66 by adding Section 662.0115 to read as follows:

46-67 Sec. 662.0115. MOTORCYCLE SAFETY GRANT PROGRAM. (a) Using  
 46-68 money from the motorcycle education fund account, the department  
 46-69 may establish and administer a grant program to improve motorcycle

47-1 safety in this state.

47-2 (b) The department may award a person a grant to:

47-3 (1) promote the motorcycle operator training and  
 47-4 safety program or any other motorcycle safety program in this  
 47-5 state;

47-6 (2) increase the number of individuals seeking  
 47-7 motorcycle operator training or licensure as an instructor to  
 47-8 conduct motorcycle operator training; or

47-9 (3) support any other goal reasonably likely to  
 47-10 improve motorcycle safety in this state.

47-11 (c) To administer the grant program, the department shall  
 47-12 prescribe:

47-13 (1) grant application procedures;

47-14 (2) guidelines relating to grant amounts; and

47-15 (3) criteria for evaluating grant applications.

47-16 (d) The department may only award a grant after consulting  
 47-17 with the motorcycle safety advisory board regarding the grant  
 47-18 application.

47-19 SECTION 8.014. Section 662.012, Transportation Code, is  
 47-20 amended to read as follows:

47-21 Sec. 662.012. REPORTS. (a) The department [~~designated~~  
 47-22 ~~state agency~~] shall require each motorcycle school [~~provider of a~~  
 47-23 ~~motorcycle operator training and safety program~~] to compile and  
 47-24 forward to the department [agency] each month a report on the  
 47-25 school's [~~provider's~~] programs. The report must include:

47-26 (1) the number and types of courses provided in the  
 47-27 reporting period;

47-28 (2) the number of persons who took each course in the  
 47-29 reporting period;

47-30 (3) the number of instructors available to provide  
 47-31 training under the school's [~~provider's~~] program in the reporting  
 47-32 period;

47-33 (4) information collected by surveying persons taking  
 47-34 each course as to the length of any waiting period the person  
 47-35 experienced before being able to enroll in the course;

47-36 (5) the number of persons on a waiting list for a  
 47-37 course at the end of the reporting period; and

47-38 (6) any other information the department [agency]  
 47-39 reasonably requires.

47-40 (b) The department [~~designated state agency~~] shall maintain  
 47-41 a compilation of the reports submitted under Subsection (a) on a  
 47-42 by-site basis. The department [agency] shall update the  
 47-43 compilation as soon as practicable after the beginning of each  
 47-44 month.

47-45 (c) The department [~~designated state agency~~] shall provide  
 47-46 without charge a copy of the most recent compilation under  
 47-47 Subsection (b) to any member of the legislature on request.

47-48 SECTION 8.015. Chapter 662, Transportation Code, is amended  
 47-49 by adding Section 662.013 to read as follows:

47-50 Sec. 662.013. RESEARCH, ADVOCACY, AND EDUCATION. The Texas  
 47-51 A&M Transportation Institute, in consultation with the department,  
 47-52 shall:

47-53 (1) research motorcycle safety in this state;

47-54 (2) provide advocacy on motorcycle safety issues in  
 47-55 this state; and

47-56 (3) provide education to the public on motorcycle  
 47-57 safety issues in this state.

47-58 SECTION 8.016. Section 663.001, Transportation Code, is  
 47-59 amended by amending Subdivision (1-b) and adding Subdivisions (1-c)  
 47-60 and (1-d) to read as follows:

47-61 (1-b) "Commission" means the Texas Commission of  
 47-62 Licensing and Regulation.

47-63 (1-c) "Department" means the Texas Department of  
 47-64 Licensing and Regulation.

47-65 (1-d) "Off-highway vehicle" means:

47-66 (A) an all-terrain vehicle or recreational  
 47-67 off-highway vehicle, as those terms are defined by Section 502.001;  
 47-68 or

47-69 (B) a utility vehicle.

48-1 SECTION 8.017. Section 663.011, Transportation Code, is  
 48-2 amended to read as follows:

48-3 Sec. 663.011. ADMINISTRATION OF PROGRAM [~~DESIGNATED~~  
 48-4 ~~DIVISION OR STATE AGENCY~~]. The department [~~governor~~] shall  
 48-5 [~~designate a division of the governor's office or a state agency to~~  
 48-6 ~~establish and~~] administer an off-highway vehicle operator  
 48-7 education and certification program and enforce the laws governing  
 48-8 the program.

48-9 SECTION 8.018. Section 663.013, Transportation Code, is  
 48-10 amended to read as follows:

48-11 Sec. 663.013. PROGRAM STANDARDS [~~OFF-HIGHWAY VEHICLE~~  
 48-12 ~~SAFETY COORDINATOR~~]. (a) The department [~~designated division or~~  
 48-13 ~~state agency shall employ an off-highway vehicle safety~~  
 48-14 ~~coordinator~~].

48-15 [(b) ~~The coordinator~~] shall supervise the off-highway  
 48-16 vehicle operator education and certification program and shall  
 48-17 determine:

- 48-18 (1) locations at which courses will be offered;
- 48-19 (2) fees for the courses;
- 48-20 (3) qualifications of instructors;
- 48-21 (4) course curriculum; and
- 48-22 (5) standards for operator safety certification.

48-23 (b) [~~(c)~~] In establishing standards for instructors,  
 48-24 curriculum, and operator certification, the department  
 48-25 [~~coordinator~~] shall consult and be guided by standards established  
 48-26 by recognized off-highway vehicle safety organizations.

48-27 SECTION 8.019. Section 663.014, Transportation Code, is  
 48-28 amended to read as follows:

48-29 Sec. 663.014. CONTRACTS. To administer the education  
 48-30 program and certify off-highway vehicle operators, the department  
 48-31 [~~designated division or state agency~~] may contract with nonprofit  
 48-32 safety organizations, nonprofit educational organizations, or  
 48-33 agencies of local governments.

48-34 SECTION 8.020. Section 663.015(a), Transportation Code, is  
 48-35 amended to read as follows:

48-36 (a) If the department [~~off-highway vehicle safety~~  
 48-37 ~~coordinator~~] determines that vehicle operation is not feasible in a  
 48-38 program component or at a particular program location, the operator  
 48-39 education and certification program for persons who are at least 14  
 48-40 years of age may use teaching or testing methods that do not involve  
 48-41 the actual operation of an off-highway vehicle.

48-42 SECTION 8.021. Section 663.017, Transportation Code, is  
 48-43 amended to read as follows:

48-44 Sec. 663.017. DENIAL, SUSPENSION, OR CANCELLATION OF  
 48-45 APPROVAL. (a) The department [~~designated division or state~~  
 48-46 ~~agency~~] may deny, suspend, or cancel its approval for a program  
 48-47 sponsor to conduct or for an instructor to teach a course offered  
 48-48 under this chapter if the applicant, sponsor, or instructor:

48-49 (1) does not satisfy the requirements established  
 48-50 under this chapter to receive or retain approval;

48-51 (2) permits fraud or engages in fraudulent practices  
 48-52 with reference to an application to the department [~~division or~~  
 48-53 ~~agency~~];

48-54 (3) induces or countenances fraud or fraudulent  
 48-55 practices by a person applying for a driver's license or permit;

48-56 (4) permits or engages in a fraudulent practice in an  
 48-57 action between the applicant or license holder and the public; or

48-58 (5) fails to comply with rules of the department  
 48-59 [~~division or agency~~].

48-60 (b) Before the department [~~designated division or agency~~]  
 48-61 may deny, suspend, or cancel the approval of a program sponsor or an  
 48-62 instructor, notice and opportunity for a hearing must be given as  
 48-63 provided by:

- 48-64 (1) Chapter 2001, Government Code; and
- 48-65 (2) Chapter 53, Occupations Code.

48-66 SECTION 8.022. Section 663.018, Transportation Code, is  
 48-67 amended to read as follows:

48-68 Sec. 663.018. RULES. The commission [~~designated division~~  
 48-69 ~~or state agency~~] may adopt rules to administer this chapter.

49-1 SECTION 8.023. Section 663.019, Transportation Code, is  
 49-2 amended to read as follows:

49-3 Sec. 663.019. EXEMPTIONS. The commission [~~designated~~  
 49-4 ~~division or state agency~~] by rule may temporarily exempt the  
 49-5 residents of any county from Section 663.015 or from Section  
 49-6 663.031(a)(1) until the appropriate education and certification  
 49-7 program is established at a location that is reasonably accessible  
 49-8 to the residents of that county.

49-9 SECTION 8.024. Section 663.033(d), Transportation Code, is  
 49-10 amended to read as follows:

49-11 (d) The department [~~coordinator~~] may exempt off-highway  
 49-12 vehicles that are participating in certain competitive events from  
 49-13 the requirements of this section.

49-14 SECTION 8.025. Section 663.037(e), Transportation Code, is  
 49-15 amended to read as follows:

49-16 (e) The executive director of the department [~~Department of~~  
 49-17 ~~Public Safety~~] shall adopt standards and specifications that apply  
 49-18 to the color, size, and mounting position of the flag required under  
 49-19 Subsections (d)(2) and (g)(2).

49-20 SECTION 8.026. Sections 662.002(b), 662.004, and 662.007,  
 49-21 Transportation Code, are repealed.

49-22 SECTION 8.027. (a) In this section:

49-23 (1) "Department" means the Department of Public  
 49-24 Safety.

49-25 (2) "Program" means the motorcycle operator training  
 49-26 and safety program established under Chapter 662, Transportation  
 49-27 Code, as that chapter existed before the effective date of this Act.

49-28 (b) As soon as practicable after the effective date of this  
 49-29 article and not later than August 31, 2019, the department shall  
 49-30 dispose of motorcycles and other equipment related to the program  
 49-31 that the department possesses or has leased to entities offering  
 49-32 training under the program. The plan must conform with the  
 49-33 requirements of Subsection (c) of this section.

49-34 (c) The department shall dispose of the motorcycles and  
 49-35 other equipment related to the program in the following manner:

49-36 (1) the department shall provide to any entity to whom  
 49-37 the department leased a motorcycle or other equipment related to  
 49-38 the program a reasonable period determined by the department to  
 49-39 purchase from the department or return the motorcycle or other  
 49-40 equipment;

49-41 (2) after the expiration of the period described by  
 49-42 Subdivision (1) of this subsection, the department shall:

49-43 (A) determine the need of the Texas Department of  
 49-44 Licensing and Regulation, the Texas A&M Transportation Institute,  
 49-45 and the Texas A&M Engineering Extension Service for motorcycles and  
 49-46 other equipment necessary to provide motorcycle operator training  
 49-47 for the instructors under the program; and

49-48 (B) subject to the need determined under  
 49-49 Paragraph (A) of this subdivision and the availability of  
 49-50 motorcycles and other equipment related to the program, transfer  
 49-51 the motorcycles and equipment to the Texas Department of Licensing  
 49-52 and Regulation, institute, or service under that paragraph, as  
 49-53 applicable; and

49-54 (3) after the determination and any transfer under  
 49-55 Subdivision (2) of this subsection, sell any remaining motorcycles  
 49-56 and related equipment of the program in accordance with Chapter  
 49-57 2175, Government Code.

49-58 (d) All revenue generated by the disposition of motorcycles  
 49-59 and other equipment related to the program under this section shall  
 49-60 be deposited in the motorcycle education fund account established  
 49-61 under Section 662.011, Transportation Code.

49-62 (e) Not later than August 31, 2019, the department and the  
 49-63 Texas Department of Licensing and Regulation shall enter into a  
 49-64 memorandum of understanding regarding any property acquired by the  
 49-65 department by lease or purchase using money from the motorcycle  
 49-66 education fund account established under Section 662.011,  
 49-67 Transportation Code, to ensure that the Department of Public Safety  
 49-68 appropriately compensates the fund for those assets.

49-69 SECTION 8.028. (a) In this section:

50-1 (1) "Former administrator" means the Texas Department  
50-2 of Public Safety.

50-3 (2) "Licensing commission" means the Texas Commission  
50-4 of Licensing and Regulation.

50-5 (3) "Licensing department" means the Texas Department  
50-6 of Licensing and Regulation.

50-7 (4) "Program" means the:  
50-8 (A) motorcycle operator training and safety  
50-9 program under Chapter 662, Transportation Code; and

50-10 (B) off-highway vehicle operator education and  
50-11 certification program under Chapter 663, Transportation Code.

50-12 (b) On September 1, 2019:

50-13 (1) all functions and activities related to the  
50-14 program performed by the former administrator immediately before  
50-15 that date are transferred to the licensing department;

50-16 (2) all rules, fees, policies, procedures, decisions,  
50-17 and forms related to the program adopted by the former  
50-18 administrator are continued in effect as rules, fees, policies,  
50-19 procedures, decisions, and forms of the licensing commission or the  
50-20 licensing department, as applicable, and remain in effect until  
50-21 amended or replaced by the licensing commission or licensing  
50-22 department;

50-23 (3) a complaint, investigation, contested case, or  
50-24 other proceeding related to the program before the former  
50-25 administrator that is pending on September 1, 2019, is transferred  
50-26 without change in status to the licensing department or the  
50-27 licensing commission, as appropriate;

50-28 (4) all money, contracts, leases, property, and  
50-29 obligations related to the program of the former administrator are  
50-30 transferred to the licensing department;

50-31 (5) all property related to the program in the custody  
50-32 of the former administrator is transferred to the licensing  
50-33 department; and

50-34 (6) the unexpended and unobligated balance of any  
50-35 money appropriated by the legislature for the former administrator  
50-36 for the purpose of administering the program is transferred to the  
50-37 licensing department.

50-38 (c) The former administrator shall provide the licensing  
50-39 department with access to any systems or information necessary for  
50-40 the department to accept the program transferred under this Act.

50-41 (d) A license or certificate issued by the former  
50-42 administrator is continued in effect as a license or certificate of  
50-43 the licensing department.

50-44 (e) On September 1, 2019, all full-time equivalent employee  
50-45 positions at the former administrator that primarily concern the  
50-46 administration or enforcement of the program become positions at  
50-47 the licensing department.

50-48 SECTION 8.029. (a) Except as provided by Subsection (b) of  
50-49 this section, this article takes effect September 1, 2019.

50-50 (b) Section 8.027 of this article takes effect immediately  
50-51 if this Act receives a vote of two-thirds of all the members elected  
50-52 to each house, as provided by Section 39, Article III, Texas  
50-53 Constitution. If this Act does not receive the vote necessary for  
50-54 immediate effect, Section 8.027 takes effect on the 91st day after  
50-55 the last day of the legislative session.

50-56 ARTICLE 9. EFFECTIVE DATE

50-57 SECTION 9.001. Except as otherwise provided by this Act,  
50-58 this Act takes effect September 1, 2019.

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