A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain professions under the Private Security Act.

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

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

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

SECTION 2. Sections 1702.239(a) and (d), Occupations Code, are amended to read as follows:

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

(d) If the board requires certification or examination under this section, the board may not implement rules to
require that to renew an endorsement, an individual who is employed as an alarm systems installer or a security salesperson and who has already once renewed the endorsement must obtain continuing education credits related to the line of work for which the individual is licensed. [If the board requires the continuing education, the chief administrator must approve classes offered by nationally recognized organizations, and participants in the classes must qualify according to board rules.]

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

(d) The rules shall require that, not later than the seventh day after the date of selling an alarm monitoring contract to another alarm systems company [or alarm systems monitor], an alarm systems company shall:

1. notify the recipient of services under the contract of the name, address, and telephone number and individual to contact at the company that purchased the contract;

2. notify the recipient of services at the time the contract is negotiated that another licensed company may provide any of the services requested by subcontracting or outsourcing those services; and

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

(e) The rules shall require that notice provided to a
recipient of services under Subsection (d) shall: 

[(1) be mailed to the recipient in a written form that emphasizes the required information; and
(2) include stickers or other materials to be affixed to an alarm system indicating the alarm system company's or alarm systems monitor's new telephone number].

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

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

(1) notify the manager or owner of the business of the presence of the person conducting the inspection [or audit]; [and]
(2) present the manager or owner of the business with credentials that identify the person conducting the inspection [or audit] as an employee or agent of the department or board; and
(3) have reasonable suspicion of a violation of this chapter or a rule adopted under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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