

By: Kolkhorst, Merritt, Driver

H.B. No. 2730

Substitute the following for H.B. No. 2730:

By: Merritt

C.S.H.B. No. 2730

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Department of
3 Public Safety of the State of Texas and the Texas Private Security
4 Board; providing a penalty.

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

6 ARTICLE 1. CHANGES TO VEHICLE INSPECTION PROGRAM

7 SECTION 1.01. Subchapter A, Chapter 548, Transportation
8 Code, is amended by adding Section 548.008 to read as follows:

9 Sec. 548.008. VEHICLE INSPECTION PROGRAM DIRECTOR. (a)

10 The vehicle inspection program is managed by a program director.

11 The program director may not be a commissioned officer.

12 (b) The office of the vehicle inspection program director
13 must be located in Austin, Texas.

14 (c) The duties of the program director include:

15 (1) responsibility for the quality of the vehicle
16 inspection program;

17 (2) coordination of the regional offices;

18 (3) compilation of regional and statewide performance
19 data;

20 (4) the establishment of best practices and
21 distribution of those practices to the regional offices;

22 (5) setting goals for the entire program, in
23 consultation with the public safety director or the public safety
24 director's designee, and setting goals for each regional office in

1 consultation with the regional managers;
2 (6) monitoring the progress toward the goals set in
3 Subdivision (5) and evaluating the program based on that progress;
4 and
5 (7) coordination with the Texas Highway Patrol to
6 enforce provisions related to vehicle inspection.
7 (d) The regional offices shall make reports as requested by
8 the program director.

9 ARTICLE 2. DIVISION OF EMERGENCY MANAGEMENT

10 PART A. ORGANIZATION OF DIVISION

11 SECTION 2A.01. Section 418.004, Government Code, is amended
12 by amending Subdivision (2) and adding Subdivision (9) to read as
13 follows:

14 (2) "Division" means the Texas Division of Emergency
15 Management [~~division of emergency management in the office of the~~
16 ~~governor~~].

17 (9) "Department" means the Department of Public Safety
18 of the State of Texas.

19 SECTION 2A.02. Sections 418.041(a), (b), and (c),
20 Government Code, are amended to read as follows:

21 (a) The Texas Division of Emergency Management [~~division of~~
22 ~~emergency management~~] is a division of the department [~~office of~~
23 ~~the governor~~].

24 (b) The division is managed by a chief [~~director~~] appointed
25 by the public safety director of the department [~~governor~~]. The
26 chief [~~director~~] serves at the pleasure of the public safety
27 director [~~governor~~].

1 (c) At least once every two months, the following shall meet
2 to coordinate efforts, prevent overlap of activities, and ensure
3 that the state's approach to emergency management and homeland
4 security is unified:

5 (1) a representative of the department;

6 (2) a representative of the division;

7 (3) a representative of the governor's office of
8 homeland security;

9 (4) the presiding officer of the Homeland Security
10 Council; and

11 (5) a state agency representative from the emergency
12 management council, selected by the chair of the emergency
13 management council. [The director shall appoint a state
14 coordinator.]

15 SECTION 2A.03. Section 418.072, Government Code, is amended
16 to read as follows:

17 Sec. 418.072. DISASTER EMERGENCY FUNDING BOARD. The
18 disaster emergency funding board is composed of:

19 (1) the governor;

20 (2) the lieutenant governor;

21 (3) the commissioner of insurance;

22 (4) the executive commissioner of the Health and
23 [Department of] Human Services Commission; and

24 (5) the chief [~~director~~] of the division.

25 SECTION 2A.04. Section 418.074(b), Government Code, is
26 amended to read as follows:

27 (b) If a gift, grant, or loan is accepted by the state, the

1 chief of the division [~~governor, or the emergency management~~
2 ~~council or state coordinator if designated by the governor,~~] may
3 dispense the gift, grant, or loan directly to accomplish the
4 purpose for which it was made or may allocate and transfer to a
5 political subdivision services, equipment, supplies, materials, or
6 funds in the amount the Public Safety Commission [~~governor or the~~
7 ~~governor's designee~~] may determine.

8 PART B. OTHER AMENDMENTS, INCLUDING CONFORMING AMENDMENTS

9 REFLECTING DIVISION'S NAME CHANGE

10 SECTION 2B.01. Section 12.0012, Agriculture Code, is
11 amended to read as follows:

12 Sec. 12.0012. NOTIFICATION. The department shall, upon
13 submission for publication, notify the Texas Division of Emergency
14 Management [~~division of emergency management in the office of the~~
15 ~~governor~~] of each quarantine it adopts. The department shall
16 thereafter cooperate with the Texas Division of Emergency
17 Management [~~division of emergency management~~] in implementing any
18 necessary safeguards to protect the state's agricultural resources
19 from potential economic, health, or ecological disaster that may
20 result from the quarantined pest or disease.

21 SECTION 2B.02. Sections 88.303(a) and (d), Education Code,
22 are amended to read as follows:

23 (a) Notwithstanding any other law, during any period in
24 which Texas Task Force 1 is activated by the Texas Division of
25 Emergency Management [~~governor's division of emergency~~
26 ~~management~~], or during any training session sponsored or sanctioned
27 by Texas Task Force 1, a participating nongovernment member or

1 local government employee member is included in the coverage
2 provided under Chapter 501, Labor Code, in the same manner as an
3 employee, as defined by Section 501.001, Labor Code.

4 (d) Notwithstanding Section 412.0123, Labor Code, as added
5 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
6 1997, the Texas Division of Emergency Management [~~governor's~~
7 ~~division of emergency management~~] shall reimburse the State Office
8 of Risk Management for the actual medical and indemnity benefits
9 paid on behalf of a covered member of Texas Task Force 1 at the
10 beginning of the next state fiscal year occurring after the date the
11 benefits are paid.

12 SECTION 2B.03. Section 418.014(e), Government Code, is
13 amended to read as follows:

14 (e) An executive order or proclamation shall be
15 disseminated promptly by means intended to bring its contents to
16 the attention of the general public. An order or proclamation shall
17 be filed promptly with the division [~~of emergency management~~], the
18 secretary of state, and the county clerk or city secretary in each
19 area to which it applies unless the circumstances attendant on the
20 disaster prevent or impede the filing.

21 SECTION 2B.04. The heading to Subchapter C, Chapter 418,
22 Government Code, is amended to read as follows:

23 SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

24 SECTION 2B.05. Section 418.073(d), Government Code, is
25 amended to read as follows:

26 (d) The [~~governor's~~] division [~~of emergency management~~]
27 shall administer the disaster contingency fund and shall develop

1 and implement rules and procedures for providing emergency
2 assistance from the fund. The division shall annually report to the
3 speaker of the house of representatives and the lieutenant governor
4 expenditures from the fund, the overall status of the fund, and any
5 changes to rules and procedures regarding the fund.

6 SECTION 2B.06. Section 421.021(a), Government Code, is
7 amended to read as follows:

8 (a) The Homeland Security Council is composed of the
9 governor or the governor's designee, the speaker of the house of
10 representatives or the speaker's designee, the lieutenant governor
11 or the lieutenant governor's designee, and one representative of
12 each of the following entities, appointed by the single statewide
13 elected or appointed governing officer, administrative head, or
14 chair, as appropriate, of the entity:

- 15 (1) Department of Agriculture;
- 16 (2) office of the attorney general;
- 17 (3) General Land Office;
- 18 (4) Public Utility Commission of Texas;
- 19 (5) Department of State Health Services;
- 20 (6) Department of Information Resources;
- 21 (7) Department of Public Safety of the State of Texas;
- 22 (8) Texas Division of Emergency Management [~~division~~
23 ~~of emergency management of the office of the governor~~];
- 24 (9) adjutant general's department;
- 25 (10) Texas Commission on Environmental Quality;
- 26 (11) Railroad Commission of Texas;
- 27 (12) Texas Strategic Military Planning Commission;

- 1 (13) Texas Department of Transportation;
- 2 (14) Commission on State Emergency Communications;
- 3 (15) Office of State-Federal Relations;
- 4 (16) secretary of state;
- 5 (17) Senate Committee on Transportation and Homeland
6 Security;
- 7 (18) House Committee on Public Safety [~~Defense Affairs~~
8 ~~and State-Federal Relations~~];
- 9 (19) Texas Animal Health Commission;
- 10 (20) Texas Association of Regional Councils;
- 11 (21) Texas Commission on Law Enforcement Officer
12 Standards and Education;
- 13 (22) state fire marshal's office;
- 14 (23) Texas Education Agency;
- 15 (24) Texas Commission on Fire Protection;
- 16 (25) Parks and Wildlife Department;
- 17 (26) Texas Forest Service; and
- 18 (27) Texas Water Development Board.

19 SECTION 2B.07. Section 661.907(b), Government Code, is
20 amended to read as follows:

21 (b) The number of certified disaster service volunteers who
22 are eligible for leave under this section may not exceed 350 state
23 employees at any one time during a fiscal year. The Texas Division
24 of Emergency Management [~~division of emergency management in the~~
25 ~~governor's office~~] shall coordinate the establishment and
26 maintenance of the list of eligible employees and shall make the
27 list available to members of the legislature on request.

1 SECTION 2B.08. Section 661.919(b), Government Code, is
2 amended to read as follows:

3 (b) The number of amateur radio operators who are eligible
4 for leave under this section may not exceed 350 state employees at
5 any one time during a state fiscal year. The Texas Division of
6 Emergency Management [~~division of emergency management in the~~
7 ~~governor's office~~] shall coordinate the establishment and
8 maintenance of the list of eligible employees and shall make the
9 list available to members of the legislature on request.

10 SECTION 2B.09. Section 501.001(5), Labor Code, is amended
11 to read as follows:

- 12 (5) "Employee" means a person who is:
- 13 (A) in the service of the state pursuant to an
14 election, appointment, or express oral or written contract of hire;
- 15 (B) paid from state funds but whose duties
16 require that the person work and frequently receive supervision in
17 a political subdivision of the state;
- 18 (C) a peace officer employed by a political
19 subdivision, while the peace officer is exercising authority
20 granted under:
- 21 (i) Article 2.12, Code of Criminal
22 Procedure; or
- 23 (ii) Articles 14.03(d) and (g), Code of
24 Criminal Procedure;
- 25 (D) a member of the state military forces, as
26 defined by Section 431.001, Government Code, who is engaged in
27 authorized training or duty; or

1 (E) a Texas Task Force 1 member, as defined by
2 Section 88.301, Education Code, who is activated by the Texas
3 Division of Emergency Management [~~governor's division of emergency~~
4 ~~management~~] or is injured during [~~any~~] training [~~session~~] sponsored
5 or sanctioned by Texas Task Force 1.

6 SECTION 2B.10. Sections 16.055(a) and (b), Water Code, are
7 amended to read as follows:

8 (a) The chief [~~coordinator~~] of the Texas Division of
9 Emergency Management [~~division of emergency management of the~~
10 ~~office of the governor~~] is the state drought manager. The state
11 drought manager is responsible for managing and coordinating the
12 drought response component of the state water plan.

13 (b) The drought preparedness council is created and shall
14 meet as necessary to carry out the provisions of this section. The
15 council is composed of one representative from each of the
16 following entities, appointed by the administrative head of that
17 entity:

18 (1) the Texas Division of Emergency Management
19 [~~division of emergency management of the office of the governor~~];

20 (2) the board;

21 (3) the commission;

22 (4) the Parks and Wildlife Department;

23 (5) the Department of Agriculture;

24 (6) the Texas AgriLife [~~Agricultural~~] Extension
25 Service;

26 (7) the State Soil and Water Conservation Board;

27 (8) the Texas Department of Housing and Community

1 Affairs;

2 (9) the Texas Forest Service;

3 (10) the Texas Department of Transportation;

4 (11) the Texas Department of Economic Development;

5 [~~and~~]

6 (12) a representative of groundwater management
7 interests who is appointed by the governor;

8 (13) the House Committee on Natural Resources; and

9 (14) the Senate Committee on Natural Resources.

10 SECTION 2B.11. Section 1(3), Chapter 350 (S.B. 1101), Acts
11 of the 71st Legislature, Regular Session, 1989 (Article 6419c,
12 Vernon's Texas Civil Statutes), is amended to read as follows:

13 (3) "Division of emergency management" means the Texas
14 Division of Emergency Management [~~division of emergency management~~
15 ~~of the office of the governor~~].

16 SECTION 2B.12. A reference in law or a rule to the
17 "governor's division of emergency management" or the "division of
18 emergency management in the office of the governor" means the Texas
19 Division of Emergency Management in the Department of Public Safety
20 of the State of Texas.

21 ARTICLE 3. ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE FOR
22 INTOXICATION OFFENSES

23 SECTION 3.01. Section 524.038, Transportation Code, is
24 amended by amending Subsection (d) and adding Subsection (e) to
25 read as follows:

26 (d) An affidavit from an expert witness [~~a person~~] whose
27 presence is timely requested under this section is inadmissible if

1 the expert witness [~~person~~] fails to appear at a hearing without a
2 showing of good cause. Otherwise, an affidavit under this section
3 may be submitted in lieu of an appearance at the hearing by the
4 [~~breath test operator, breath test technical supervisor, or~~] expert
5 witness.

6 (e) An affidavit from a breath test operator or breath test
7 technical supervisor is admissible unless the judge determines that
8 justice requires the breath test operator or breath test technical
9 supervisor to be present.

10 SECTION 3.02. Section 524.039, Transportation Code, is
11 amended to read as follows:

12 Sec. 524.039. APPEARANCE OF TECHNICIANS AT HEARING. (a)
13 Not [~~Notwithstanding Section 524.038, if not~~] later than the fifth
14 day before the date of a scheduled hearing, [~~the department~~
15 ~~receives from~~] the person who requested a hearing may apply to the
16 State Office of Administrative Hearings to issue a subpoena for the
17 attendance [~~written notice, including a facsimile transmission,~~
18 ~~requesting the presence at the hearing~~] of the breath test operator
19 who took the specimen of the person's breath to determine alcohol
20 concentration or the certified breath test technical supervisor
21 responsible for maintaining and directing the operation of the
22 breath test instrument used to analyze the specimen of the person's
23 breath, or both[, ~~each requested person must appear at the~~
24 ~~hearing~~]. The State Office of Administrative Hearings shall issue
25 the subpoena only on a showing of good cause.

26 (b) The department may reschedule a hearing once not less
27 than 48 hours before the hearing if a [~~the~~] person subpoenaed

1 ~~[requested to attend]~~ under Subsection (a) is unavailable. The
2 department may also reschedule the hearing on showing good cause
3 that a ~~[the]~~ person subpoenaed ~~[requested]~~ under Subsection (a) is
4 not available at the time of the hearing.

5 SECTION 3.03. The changes in law made by this article by the
6 amendment of Sections 524.038 and 524.039, Transportation Code,
7 apply only to a hearing conducted on or after September 1, 2009. A
8 hearing conducted before September 1, 2009, is covered by the law in
9 effect immediately before that date, and the former law is
10 continued in effect for that purpose.

11 SECTION 3.04. This article takes effect September 1, 2009.

12 ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

13 SECTION 4.01. Section 1702.002, Occupations Code, is
14 amended by amending Subdivisions (2), (3), (5), (11), (12), (13),
15 (17), (19), (20), and (21) and adding Subdivision (6-b) to read as
16 follows:

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

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

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

22 (3) "Branch office license" means a permit issued by
23 the board ~~[commission]~~ that entitles a person to operate at a branch
24 office as a security services contractor or investigations company.

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

1 (6-b) "Endorsement" means a permit entitling an
2 individual holding a registration to perform a service regulated by
3 this chapter for an appropriately licensed company.

4 (11) "Letter of authority" means a permit issued by
5 the board [~~commission~~] that entitles the security department of a
6 private business or a political subdivision to employ a
7 commissioned security officer.

8 (12) "License" means a permit issued by the board
9 [~~commission~~] that entitles a person to operate as a security
10 services contractor or investigations company.

11 (13) "License holder" means a person to whom the board
12 [~~commission~~] issues a license.

13 (17) "Personal protection officer endorsement
14 [~~authorization~~]" means a permit issued by the board [~~commission~~]
15 that entitles an individual to act as a personal protection
16 officer.

17 (19) "Registrant" means an individual who has
18 registered with the board [~~commission~~] under Section 1702.221.

19 (20) "Registration" means a permit issued by the board
20 [~~commission~~] to an individual described by Section 1702.221.

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

24 SECTION 4.02. Section 1702.004, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The board,
27 in addition to performing duties required by other law or

1 exercising powers granted by other law:

2 (1) licenses investigations companies and security
3 services contractors;

4 (2) issues commissions to certain security officers;

5 (3) issues endorsements [~~authorizations~~] to certain
6 security officers engaged in the personal protection of
7 individuals;

8 (4) registers and endorses:

9 (A) certain individuals connected with a license
10 holder; and

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

13 (5) regulates license holders, security officers,
14 [~~and~~] registrants, and endorsement holders under this chapter.

15 (b) The board shall adopt rules necessary to comply with
16 Chapter 53 [~~does not apply to this chapter or to any licensing,~~
17 ~~regulatory, or disciplinary determinations made under this~~
18 ~~chapter~~]. In its rules under this section, the board shall list the
19 specific offenses for each category of regulated persons for which
20 a conviction would constitute grounds for the board to take action
21 under Section 53.021.

22 SECTION 4.03. The heading to Subchapter B, Chapter 1702,
23 Occupations Code, is amended to read as follows:

24 SUBCHAPTER B. TEXAS [~~COMMISSION ON~~] PRIVATE SECURITY BOARD

25 SECTION 4.04. Section 1702.021, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.021. BOARD [~~COMMISSION~~] MEMBERSHIP. (a) The

1 Texas Private Security Board consists of seven members appointed by
2 the governor with the advice and consent of the senate as follows:

3 (1) four public members, each of whom is a citizen of
4 the United States;

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

7 (3) one member who is licensed under this chapter as an
8 alarm systems company; and

9 (4) one member who is licensed under this chapter as
10 the owner or operator of a guard company.

11 (b) Appointments to the board [~~commission~~] shall be made
12 without regard to the race, color, disability, sex, religion, age,
13 or national origin of the appointee.

14 [~~(c) On presentation by a commission member of the
15 constitutional oath taken by the member, together with the
16 certificate of appointment, the secretary of state shall issue a
17 commission to the member as evidence of the member's authority to
18 act as a commission member.~~]

19 SECTION 4.05. Section 1702.023, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.023. ELIGIBILITY OF PUBLIC MEMBERS. The board's
22 [~~commission's~~] public members must be representatives of the
23 general public. A person may not be a public member of the board
24 [~~commission~~] if the person or the person's spouse:

25 (1) is registered, commissioned, certified, or
26 licensed by a regulatory agency in the field of private
27 investigations or private security;

1 (2) is employed by or participates in the management
2 of a business entity or other organization regulated by or
3 receiving money from the board [~~commission~~];

4 (3) owns or controls, directly or indirectly, more
5 than a 10 percent interest in a business entity or other
6 organization regulated by or receiving money from the board
7 [~~commission~~]; or

8 (4) uses or receives a substantial amount of tangible
9 goods, services, or money from the board [~~commission~~] other than
10 compensation or reimbursement authorized by law for board
11 [~~commission~~] membership, attendance, or expenses.

12 SECTION 4.06. Sections 1702.024(b) and (c), Occupations
13 Code, are amended to read as follows:

14 (b) A person may not be a board [~~commission~~] member, and may
15 not be a department [~~commission~~] employee whose primary duties
16 include private security regulation and who is employed in a "bona
17 fide executive, administrative, or professional capacity," as that
18 phrase is used for purposes of establishing an exemption to the
19 overtime provisions of the federal Fair Labor Standards Act of 1938
20 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

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

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

27 (c) A person may not be a board [~~commission~~] member or act as

1 general counsel to the board [~~commission~~] or agency if the person is
2 required to register as a lobbyist under Chapter 305, Government
3 Code, because of the person's activities for compensation on behalf
4 of a profession related to the operation of the agency.

5 SECTION 4.07. Section 1702.027, Occupations Code, is
6 amended to read as follows:

7 Sec. 1702.027. GROUNDS FOR REMOVAL. (a) It is a ground for
8 removal from the board [~~commission~~] that a member:

9 (1) does not have the qualifications required by
10 Section 1702.021 at the time of taking office;

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

13 (3) is ineligible for membership under Section
14 1702.023 or 1702.024;

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

18 (5) is absent from more than half of the regularly
19 scheduled board [~~commission~~] meetings that the member is eligible
20 to attend during a calendar year without an excuse approved by a
21 majority vote of the board [~~commission~~].

22 (b) The validity of an action of the board [~~commission~~] is
23 not affected by the fact that it is taken when a ground for removal
24 of a board [~~commission~~] member exists.

25 (c) If the chief administrator [~~director~~] has knowledge
26 that a potential ground for removal exists, the chief administrator
27 [~~director~~] shall notify the presiding officer of the board

1 ~~[commission]~~ of the potential ground. The presiding officer shall
2 then notify the governor and the attorney general that a potential
3 ground for removal exists. If the potential ground for removal
4 involves the presiding officer, the chief administrator ~~[director]~~
5 shall notify the next highest ranking officer of the board
6 ~~[commission]~~, who shall then notify the governor and the attorney
7 general that a potential ground for removal exists.

8 SECTION 4.08. Section 1702.028, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.028. PER DIEM; REIMBURSEMENT. (a) A board
11 ~~[commission]~~ member is entitled to a per diem as set by legislative
12 appropriation for each day the member engages in the business of the
13 board ~~[commission]~~.

14 (b) A member is entitled to reimbursement for travel
15 ~~[transportation]~~ expenses incurred while conducting board
16 business, including expenses for transportation, meals, and
17 lodging, as prescribed by the General Appropriations Act. ~~[A~~
18 ~~member may not receive compensation for travel expenses, including~~
19 ~~expenses for meals and lodging, other than transportation~~
20 ~~expenses.]~~

21 SECTION 4.09. Section 1702.029, Occupations Code, is
22 amended to read as follows:

23 Sec. 1702.029. MEETINGS. The board ~~[commission]~~ shall meet
24 at regular intervals to be decided by the board ~~[commission]~~.

25 SECTION 4.10. Section 1702.030, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.030. TRAINING. (a) A person who is appointed to

1 and qualifies for office as a board [~~commission~~] member may not
2 vote, deliberate, or be counted as a member in attendance at a board
3 [~~commission~~] meeting until the person completes a training program
4 that complies with this section.

5 (b) The training program must provide the person with
6 information regarding:

7 (1) this chapter;

8 (2) the programs operated by the board [~~commission~~];

9 (3) the role and functions of the board [~~commission~~];

10 (4) the rules of the board [~~commission~~], with an
11 emphasis on the rules that relate to disciplinary and investigatory
12 authority;

13 (5) the current budget for the board [~~commission~~];

14 (6) the results of the most recent formal audit of the
15 board [~~commission~~];

16 (7) the requirements of:

17 (A) the open meetings law, Chapter 551,
18 Government Code;

19 (B) the public information law, Chapter 552,
20 Government Code;

21 (C) the administrative procedure law, Chapter
22 2001, Government Code; and

23 (D) other laws relating to public officials,
24 including conflict of interest laws; and

25 (8) any applicable ethics policies adopted by the
26 board [~~commission~~] or the Texas Ethics Commission.

27 (c) A person appointed to the board [~~commission~~] is entitled

1 to reimbursement, as provided by the General Appropriations Act,
2 for the travel expenses incurred in attending the training program
3 regardless of whether the attendance at the program occurs before
4 or after the person qualifies for office.

5 SECTION 4.11. The heading to Subchapter C, Chapter 1702,
6 Occupations Code, is amended to read as follows:

7 SUBCHAPTER C. CHIEF ADMINISTRATOR [~~DIRECTOR~~] AND PERSONNEL

8 SECTION 4.12. Section 1702.041, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.041. CHIEF ADMINISTRATOR [~~DIRECTOR~~]. (a) The
11 [~~director is the~~] chief administrator is responsible for the
12 administration of this chapter under the direction of the board
13 [~~commission~~]. The chief administrator [~~director~~] shall perform
14 duties as prescribed by the board and the department [~~commission~~].

15 (b) The chief administrator [~~director~~] is a full-time
16 employee of the department [~~commission~~]. A board [~~commission~~]
17 member may not serve as chief administrator [~~director~~].

18 SECTION 4.13. Section 1702.042, Occupations Code, is
19 amended to read as follows:

20 Sec. 1702.042. PERSONNEL; CONFLICT OF INTEREST. An
21 employee of the department whose primary duties include private
22 security regulation [~~commission~~] may not:

23 (1) have a financial or business interest, contingent
24 or otherwise, in a security services contractor or investigations
25 company; or

26 (2) be licensed under this chapter.

27 SECTION 4.14. Section 1702.043, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.043. DIVISION OF RESPONSIBILITIES. The board
3 [~~commission~~] shall develop and implement policies that clearly
4 separate the policy-making responsibilities of the board
5 [~~commission~~] and the management responsibilities of the chief
6 administrator [~~director~~] and staff of the department [~~commission~~].

7 SECTION 4.15. Section 1702.044, Occupations Code, is
8 amended to read as follows:

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

17 SECTION 4.16. The heading to Subchapter D, Chapter 1702,
18 Occupations Code, is amended to read as follows:

19 SUBCHAPTER D. POWERS AND DUTIES OF BOARD [~~COMMISSION~~]

20 SECTION 4.17. Section 1702.061, Occupations Code, is
21 amended to read as follows:

22 Sec. 1702.061. GENERAL POWERS AND DUTIES OF BOARD
23 [~~COMMISSION~~]. (a) The board [~~Texas Commission on Private~~
24 ~~Security~~] shall perform the functions and duties provided by this
25 chapter.

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

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

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

6 (1) determine the qualifications of license holders,
7 registrants, endorsement holders, and commissioned security
8 officers;

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

11 (3) adopt rules necessary to implement this chapter;
12 and

13 (4) establish and enforce standards governing the
14 safety and conduct of each person licensed, registered, or
15 commissioned under this chapter.

16 (e) The board [~~commission~~] shall have a seal in the form
17 prescribed by the board [~~commission~~].

18 [~~(f) The commission may commission investigators who are
19 employed full-time by the commission as peace officers for the
20 limited purpose of assisting the commission in investigating
21 alleged violations of this chapter and of commission rules.]~~

22 SECTION 4.18. Subchapter D, Chapter 1702, Occupations Code,
23 is amended by adding Section 1702.0612 to read as follows:

24 Sec. 1702.0612. NEGOTIATED RULEMAKING AND ALTERNATIVE
25 DISPUTE RESOLUTION. (a) The board shall develop and implement a
26 policy to encourage the use of:

27 (1) negotiated rulemaking procedures under Chapter

1 2008, Government Code, for the adoption of board rules; and
2 (2) appropriate alternative dispute resolution
3 procedures under Chapter 2009, Government Code, to assist in the
4 resolution of internal and external disputes under the board's
5 jurisdiction.

6 (b) The board's procedures relating to alternative dispute
7 resolution must conform, to the extent possible, to any model
8 guidelines issued by the State Office of Administrative Hearings
9 for the use of alternative dispute resolution by state agencies.

10 (c) The board shall designate a trained person to:

11 (1) coordinate the implementation of the policy
12 adopted under Subsection (a);

13 (2) serve as a resource for any training needed to
14 implement the procedures for negotiated rulemaking or alternative
15 dispute resolution; and

16 (3) collect data concerning the effectiveness of those
17 procedures, as implemented by the board.

18 SECTION 4.19. Section 1702.062, Occupations Code, is
19 amended to read as follows:

20 Sec. 1702.062. FEES. (a) The board [~~commission~~] by rule
21 shall establish reasonable and necessary fees that produce
22 sufficient revenue to administer this chapter. The fees may not
23 produce unnecessary fund balances. [~~and may not exceed the~~
24 ~~following amounts:~~

25 [~~Class A license~~ ~~_____~~ ~~\$350 (original and renewal)~~

26 [~~Class B license~~ ~~_____~~ ~~\$400 (original and renewal)~~

27 [~~Class C license~~ ~~_____~~ ~~\$540 (original and renewal)~~

1	[Class D license	\$400 (original and renewal)
2	[Reinstate suspended license	\$150
3	[Assignment of license	\$150
4	[Change name of license	\$ 75
5	[Delinquency fee	_____
6	[Branch office certificate and renewal	\$300
7	[Registration fee for private investigator, manager, branch	
8	office manager, locksmith, electronic access control device	
9	installer, and alarm systems installer	\$ 30 (original and renewal)
10	[Registration fee for noncommissioned security officer	\$ 30
11	(original and renewal)	
12	[Registration fee for security salesperson	\$ 30
13	[Registration fee for alarm systems monitor	\$ 30
14	[Registration fee for dog trainer	\$ 30
15	[Registration fee for owner, officer, partner, or	
16	shareholder of a license holder	\$ 50
17	[Registration fee for security consultant	\$300
18	[Registration fee for employee of license holder	\$ 30
19	[Security officer commission fee	\$ 50
20	(original and renewal)	
21	[School instructor fee	\$100
22	(original and renewal)	
23	[School approval fee	\$350
24	(original and renewal)	
25	[Letter of authority fee for private business and political	
26	subdivision	\$400
27	[Letter of authority renewal fee for private business and	

1	political subdivision	\$225
2	[Letter of authority fee for commissioned officer,	
3	noncommissioned officer, or personal protection officer for	
4	political subdivision	\$ 10
5	[FBI fingerprint check	\$ 25
6	[Duplicate pocket card	\$ 10
7	[Employee information update fee	\$ 15
8	[Burglar alarm sellers renewal fee	\$ 30
9	[Personal protection officer authorization	\$ 50]

10 (b) The board ~~[In addition to other fees established under~~
11 ~~this chapter, the commission]~~ may charge a fee each time the board
12 ~~[commission]~~ requires a person regulated under this chapter to
13 resubmit a set of fingerprints for processing by the board
14 ~~[commission]~~ during the application process for a license,
15 registration, endorsement, or commission. The board ~~[commission]~~
16 shall set the fee in an amount that is reasonable and necessary to
17 cover the ~~[commission's]~~ administrative expenses related to
18 processing the fingerprints.

19 (c) A person whose pocket card has not expired is not
20 eligible to receive from the board ~~[commission]~~ another pocket card
21 in the same classification in which the pocket card is held.

22 SECTION 4.20. The heading to Section 1702.063, Occupations
23 Code, is amended to read as follows:

24 Sec. 1702.063. BOARD ~~[COMMISSION]~~ USE OF FINES.

25 SECTION 4.21. Section 1702.0635, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The board

1 [~~commission~~] may not adopt rules or establish unduly restrictive
2 experience or education requirements that limit a person's ability
3 to be licensed as an electronic access control device company or be
4 registered as an electronic access control device installer.

5 SECTION 4.22. Section 1702.064, Occupations Code, is
6 amended to read as follows:

7 Sec. 1702.064. RULES RESTRICTING ADVERTISING OR
8 COMPETITIVE BIDDING. (a) The board [~~commission~~] may not adopt
9 rules restricting advertising or competitive bidding by a person
10 regulated by the board [~~commission~~] except to prohibit false,
11 misleading, or deceptive practices by the person.

12 (b) The board [~~commission~~] may not include in its rules to
13 prohibit false, misleading, or deceptive practices by a person
14 regulated by the board [~~commission~~] a rule that:

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

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

19 (3) relates to the size or duration of an
20 advertisement by the person; or

21 (4) restricts the person's advertisement under a trade
22 name.

23 SECTION 4.23. Section 1702.0645, Occupations Code, is
24 amended to read as follows:

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

1 (b) Rules adopted under this section may:

2 (1) authorize the use of electronic funds transfer or
3 a valid credit card issued by a financial institution chartered by a
4 state or the federal government or by a nationally recognized
5 credit organization approved by the board [~~commission~~]; and

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

9 SECTION 4.24. Section 1702.066, Occupations Code, is
10 amended to read as follows:

11 Sec. 1702.066. SERVICE OF PROCESS; SERVICE OF DOCUMENTS ON
12 BOARD [~~COMMISSION~~]. Legal process and documents required by law to
13 be served on or filed with the board [~~commission~~] must be served on
14 or filed with the chief administrator [~~director~~] at the designated
15 office of the board [~~commission~~].

16 SECTION 4.25. Section 1702.067, Occupations Code, is
17 amended to read as follows:

18 Sec. 1702.067. BOARD [~~COMMISSION~~] RECORDS; EVIDENCE. An
19 official record of the board [~~commission~~] or an affidavit by the
20 chief administrator [~~director~~] as to the content of the record is
21 prima facie evidence of a matter required to be kept by the board
22 [~~commission~~].

23 SECTION 4.26. Section 1702.068, Occupations Code, is
24 amended to read as follows:

25 Sec. 1702.068. APPEAL BOND NOT REQUIRED. The board
26 [~~commission~~] is not required to give an appeal bond in any cause
27 arising under this chapter.

1 SECTION 4.27. Section 1702.081, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.081. PUBLIC INTEREST INFORMATION. (a) The board
4 [~~commission~~] shall prepare information of interest to consumers or
5 recipients of services regulated under this chapter describing the
6 board's [~~commission's~~] regulatory functions and the procedures by
7 which complaints are filed with and resolved by the board
8 [~~commission~~].

9 (b) The board [~~commission~~] shall make the information
10 available to the public and appropriate state agencies.

11 SECTION 4.28. Section 1702.082, Occupations Code, is
12 amended to read as follows:

13 Sec. 1702.082. COMPLAINTS. (a) The board [~~commission by~~
14 ~~rule shall establish methods by which consumers and service~~
15 ~~recipients are notified of the name, mailing address, and telephone~~
16 ~~number of the commission for the purpose of directing complaints to~~
17 ~~the commission. The commission may provide for that notice.~~

18 [~~(1) on each registration form, application, or~~
19 ~~written contract for services of a person regulated under this~~
20 ~~chapter,~~

21 [~~(2) on a sign prominently displayed in the place of~~
22 ~~business of each person regulated under this chapter, or~~

23 [~~(3) in a bill for services provided by a person~~
24 ~~regulated under this chapter.~~

25 [(~~b~~) ~~The commission~~] shall maintain a system to promptly and
26 efficiently act on complaints [~~file on each written complaint~~]
27 filed with the board [~~commission~~]. The board shall maintain

1 information about parties to the complaint, [~~file must include:~~
2 ~~[(1) the name of the person who filed the complaint,~~
3 ~~[(2) the date the complaint is received by the~~
4 ~~commission,~~
5 ~~[(3)] the subject matter of the complaint,~~ [+]
6 ~~[(4) the name of each person contacted in relation to~~
7 ~~the complaint,~~
8 ~~[(5)] a summary of the results of the review or~~
9 ~~investigation of the complaint,~~ [+]
10 ~~[(6) an explanation of the reason the file was closed,~~
11 ~~if the agency closed the file without taking action other than to~~
12 ~~investigate the complaint].~~

13 (b) [~~(c)] The board [commission] shall make information
14 available describing its [~~provide to the person filing the~~
15 ~~complaint a copy of the commission's policies and]~~ procedures for
16 [relating to] complaint investigation and resolution.~~

17 (c) The board shall periodically [~~(d) Unless it would~~
18 ~~jeopardize an undercover investigation, the commission shall~~
19 ~~provide to each person who is a subject of the complaint a copy of~~
20 ~~the commission's policies and procedures relating to complaint~~
21 ~~investigation and resolution.~~

22 ~~[(c) The commission, at least quarterly until final~~
23 ~~disposition of the complaint, shall]~~ notify the [~~person filing the]~~
24 complaint parties [~~and each person who is a subject of the~~
25 ~~complaint]~~ of the status of the complaint until final disposition
26 [~~investigation unless the notice would jeopardize an undercover~~
27 ~~investigation].~~

1 SECTION 4.29. Section 1702.083, Occupations Code, is
2 amended to read as follows:

3 Sec. 1702.083. PUBLIC PARTICIPATION. The board
4 [~~commission~~] shall develop and implement policies that provide the
5 public with a reasonable opportunity to appear before the board
6 [~~commission~~] and to speak on any issue under the board's
7 [~~commission's~~] jurisdiction.

8 SECTION 4.30. Section 1702.084, Occupations Code, is
9 amended to read as follows:

10 Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF
11 DISCIPLINARY ACTIONS. (a) The board [~~commission~~] shall make
12 available to the public through a toll-free telephone number,
13 Internet website, or other easily accessible medium determined by
14 the board [~~commission~~] the following information relating to a
15 disciplinary action taken during the preceding three years
16 regarding a person regulated by the board [~~commission~~]:

- 17 (1) the identity of the person;
18 (2) the nature of the complaint that was the basis of
19 the disciplinary action taken against the person; and
20 (3) the disciplinary action taken by the board
21 [~~commission~~].

22 (b) In providing the information, the board [~~commission~~]
23 shall present the information in an impartial manner, use language
24 that is commonly understood, and, if possible, avoid jargon
25 specific to the security industry.

26 (c) The board [~~commission~~] shall update the information on a
27 monthly basis.

1 (d) The board [~~commission~~] shall maintain the
2 confidentiality of information regarding the identification of a
3 complainant.

4 SECTION 4.31. Section 1702.103, Occupations Code, is
5 amended to read as follows:

6 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES.

7 (a) The license classifications are:

8 (1) Class A: investigations company license, covering
9 operations of an investigations company;

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

12 (3) Class C: covering the operations included within
13 Class A and Class B; [~~and~~]

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

15 (5) Class O: alarm level I training school license;

16 (6) Class P: private business letter of authority
17 license;

18 (7) Class X: government letter of authority license;

19 and

20 (8) Class T: telematics license [~~Class D: electronic~~
21 ~~access control device license, covering operations of an electronic~~
22 ~~access control device company~~].

23 (b) A [~~Class A, B, C, or D~~] license described by this chapter
24 does not authorize the license holder to perform a service for which
25 the license holder has not qualified. A person may not engage in an
26 operation outside the scope of that person's license. The board
27 [~~commission~~] shall indicate on the license the services the license

1 holder is authorized to perform. The license holder may not perform
2 a service unless it is indicated on the license.

3 (c) A license is not assignable unless the assignment is
4 approved in advance by the board [~~commission~~].

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

7 (e) The board by rule may establish other license
8 classifications for activities expressly regulated by this chapter
9 and may establish qualifications and practice requirements
10 consistent with this chapter for those license classifications.

11 SECTION 4.32. Section 1702.110, Occupations Code, is
12 amended to read as follows:

13 Sec. 1702.110. APPLICATION FOR LICENSE. An application for
14 a license under this chapter must be in the form prescribed by the
15 board [~~commission~~] and include:

16 (1) the full name and business address of the
17 applicant;

18 (2) the name under which the applicant intends to do
19 business;

20 (3) a statement as to the general nature of the
21 business in which the applicant intends to engage;

22 (4) a statement as to the classification for which the
23 applicant requests qualification;

24 (5) if the applicant is an entity other than an
25 individual, the full name and residence address of each partner,
26 officer, and director of the applicant, and of the applicant's
27 manager;

1 (6) if the applicant is an individual, two
2 classifiable sets of fingerprints of the applicant or, if the
3 applicant is an entity other than an individual, of each officer and
4 of each partner or shareholder who owns at least a 25 percent
5 interest in the applicant;

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

9 (8) a report from the department [~~Texas Department of~~
10 ~~Public Safety~~] stating the applicant's record of any convictions
11 for a Class B misdemeanor or equivalent offense or a greater
12 offense;

13 (9) the social security number of the individual
14 making the application; and

15 (10) other information, evidence, statements, or
16 documents required by the board [~~commission~~].

17 SECTION 4.33. Section 1702.111, Occupations Code, is
18 amended to read as follows:

19 Sec. 1702.111. ISSUANCE OF BRANCH OFFICE LICENSE. (a) A
20 license holder, in accordance with Section 1702.129, shall notify
21 the board [~~commission~~] in writing of the establishment of a branch
22 office and file in writing with the board [~~commission~~] the address
23 of the branch office.

24 (b) On application by a license holder, the board
25 [~~commission~~] shall issue a branch office license.

26 SECTION 4.34. Section 1702.112, Occupations Code, is
27 amended to read as follows:

1 Sec. 1702.112. FORM OF LICENSE. The board [~~commission~~]
2 shall prescribe the form of a license, including a branch office
3 license. The license must include:

4 (1) the name of the license holder;

5 (2) the name under which the license holder is to
6 operate; and

7 (3) the license number and the date the license was
8 issued.

9 SECTION 4.35. Sections 1702.113(a) and (c), Occupations
10 Code, are amended to read as follows:

11 (a) An applicant for a license, certificate of
12 registration, endorsement, or security officer commission or the
13 applicant's manager must be at least 18 years of age and must not:

14 (1) [~~have been convicted in any jurisdiction of two or~~
15 ~~more felony offenses, unless full pardons have been granted for all~~
16 ~~convictions for reasons relating to wrongful convictions;~~

17 [~~(2) have been convicted in any jurisdiction of any of~~
18 ~~the following:~~

19 [~~(A) a single felony or equivalent offense for~~
20 ~~which the 20th anniversary of the date of conviction has not~~
21 ~~occurred before the date of application, unless a full pardon has~~
22 ~~been granted for reasons relating to a wrongful conviction; or~~

23 [~~(B) a Class A misdemeanor or equivalent offense~~
24 ~~for which the 10th anniversary of the date of conviction has not~~
25 ~~occurred before the date of application, unless a full pardon has~~
26 ~~been granted for reasons relating to a wrongful conviction;~~

27 [~~(3)~~] at the time of application be charged with the

1 commission of a Class A misdemeanor or felony offense, under an
2 information or indictment;

3 ~~[(4) in the 10 years preceding the date of~~
4 ~~application, have been adjudicated as having engaged in delinquent~~
5 ~~conduct violating a penal law of the grade of felony,]~~

6 (2) ~~[(5)]~~ have been found by a court to be incompetent
7 by reason of a mental defect or disease and not have been restored
8 to competency;

9 (3) ~~[(6)]~~ have been dishonorably discharged from the
10 United States armed services, discharged from the United States
11 armed services under other conditions determined by the board to be
12 prohibitive, or dismissed from the United States armed services if
13 a commissioned officer in the United States armed services; or

14 (4) ~~[(7)]~~ be required to register in this or any other
15 state as a sex offender, unless the applicant is approved by the
16 board under Section 1702.3615.

17 (c) For purposes of this section, an offense under the laws
18 of this state, another state, or the United States is considered[+]

19 ~~[(1) a felony if the offense:~~

20 ~~[(A) at the time of conviction was designated by~~
21 ~~a law of this state as a felony, including a state jail felony,~~

22 ~~[(B) contains all the elements of an offense~~
23 ~~designated by a law of this state as a felony, including a state~~
24 ~~jail felony, or~~

25 ~~[(C) is punishable by confinement for one year or~~
26 ~~more in a penitentiary,~~

27 ~~[(2) a Class A misdemeanor if the offense is not a~~

1 ~~felony and the offense:~~

2 [~~(A)~~ at the time of conviction was designated by
3 a law of this state as a Class A misdemeanor;

4 [~~(B)~~ contains all the elements of an offense
5 designated by a law of this state as a Class A misdemeanor; or

6 [~~(C)~~ provides as a possible punishment
7 confinement in a jail other than a state jail felony facility; or

8 [~~(3)~~] a Class B misdemeanor if the offense is not a
9 felony or Class A misdemeanor and the offense:

10 (1) [~~(A)~~] at the time of conviction was designated by
11 a law of this state as a Class B misdemeanor;

12 (2) [~~(B)~~] contains all the elements of an offense
13 designated by a law of this state as a Class B misdemeanor; or

14 (3) [~~(C)~~] provides as a possible punishment
15 confinement in a jail other than a state jail felony facility.

16 SECTION 4.36. Section 1702.114, Occupations Code, is
17 amended to read as follows:

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

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

26 (1) reviewed by the board [~~commission~~] or the chief
27 administrator [~~director~~]; and

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

3 SECTION 4.37. Section 1702.115, Occupations Code, is
4 amended to read as follows:

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

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

15 (1) reviewed by the board [~~commission~~] or the chief
16 administrator [~~director~~]; and

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

19 SECTION 4.38. Section 1702.116, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.116. QUALIFICATIONS FOR GUARD DOG COMPANY
22 LICENSE; INSPECTIONS. (a) An applicant for a license to engage in
23 the business of a guard dog company must:

24 (1) meet the requirements of Sections 1702.113 and
25 1702.115; and

26 (2) present evidence satisfactory to the board
27 [~~commission~~] that the applicant will comply with the rules adopted

1 under this section.

2 (b) After consulting the [~~Texas~~] Department of State Health
3 Services, the board [~~commission~~] shall adopt rules to ensure that
4 the areas in which a guard dog company houses, exercises, or trains
5 its animals are securely enclosed by a six-foot chain-link fence or
6 made equally secure.

7 (c) The board [~~commission~~] shall conduct regular
8 inspections to ensure compliance with the rules adopted under this
9 section.

10 SECTION 4.39. Sections 1702.117(a), (c), and (d),
11 Occupations Code, are amended to read as follows:

12 (a) The board [~~commission~~] shall require an applicant for a
13 commission, license, registration, or endorsement under this
14 chapter or the applicant's manager to demonstrate qualifications in
15 the person's license classification, including knowledge of
16 applicable state laws and board [~~commission~~] rules, by taking an
17 examination to be determined by the board [~~commission~~].

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

21 (d) The board [~~commission~~] shall develop and provide to a
22 person who applies to take the examination under Subsection (a)
23 material containing all applicable state laws and board
24 [~~commission~~] rules.

25 SECTION 4.40. Section 1702.118, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than the

1 30th day after the date a person takes a licensing examination under
2 this chapter, the board [~~commission~~] shall notify the person of the
3 examination results.

4 (b) If an examination is graded or reviewed by a testing
5 service:

6 (1) the board [~~commission~~] shall notify the person of
7 the examination results not later than the 14th day after the date
8 the board [~~commission~~] receives the results from the testing
9 service; and

10 (2) if notice of the examination results will be
11 delayed for longer than 90 days after the examination date, the
12 board [~~commission~~] shall notify the person of the reason for the
13 delay before the 90th day.

14 (c) The board [~~commission~~] may require a testing service to
15 notify a person of the results of the person's examination.

16 (d) If requested in writing by a person who fails a
17 licensing examination administered under this chapter, the board
18 [~~commission~~] shall furnish the person with an analysis of the
19 person's performance on the examination.

20 SECTION 4.41. Section 1702.1183, Occupations Code, is
21 amended to read as follows:

22 Sec. 1702.1183. RECIPROCAL LICENSE FOR CERTAIN FOREIGN
23 APPLICANTS. (a) The board [~~commission~~] may waive any prerequisite
24 to obtaining a license for an applicant who holds a license issued
25 by another jurisdiction with which this state has a reciprocity
26 agreement.

27 (b) The board [~~commission~~] may make an agreement, subject to

1 the approval of the governor, with another state to allow for
2 licensing by reciprocity.

3 SECTION 4.42. Section 1702.1186, Occupations Code, is
4 amended to read as follows:

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

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

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

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

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

25 (1) the provisional license holder is eligible to be
26 licensed under Section 1702.1183; or

27 (2) the provisional license holder:

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

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

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

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

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

20 SECTION 4.43. Section 1702.120(b), Occupations Code, is
21 amended to read as follows:

22 (b) An individual may not apply to the board [~~commission~~] to
23 serve as manager of an investigations company, guard company, alarm
24 systems company, armored car company, courier company, or guard dog
25 company without the intent to maintain that supervisory position on
26 a daily basis for that company.

27 SECTION 4.44. Section 1702.121, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.121. TERMINATION OF MANAGER. A license holder
3 shall notify the board [~~commission~~] in writing not later than the
4 14th day after the date a manager ceases to be manager of the
5 license holder's business. The license remains in effect for a
6 reasonable period after notice is given as provided by board
7 [~~commission~~] rule pending the board's [~~commission's~~] determination
8 of the qualification of another manager under this subchapter.

9 SECTION 4.45. Section 1702.122, Occupations Code, is
10 amended to read as follows:

11 Sec. 1702.122. TEMPORARY CONTINUATION OF LICENSE HOLDER'S
12 BUSINESS. Under the terms provided by board [~~commission~~] rule, a
13 license holder's business may continue for a temporary period if
14 the individual on the basis of whose qualifications a license under
15 this chapter has been obtained ceases to be connected with the
16 license holder.

17 SECTION 4.46. Section 1702.123, Occupations Code, is
18 amended to read as follows:

19 Sec. 1702.123. INSURANCE; BOND. (a) A license holder shall
20 maintain on file with the board [~~commission~~] at all times the surety
21 bond and certificate of insurance required by this chapter.

22 (b) The board [~~commission~~] shall immediately suspend the
23 license of a license holder who violates Subsection (a).

24 (c) The board [~~commission~~] may rescind the license
25 suspension if the license holder provides proof to the board
26 [~~commission~~] that the bond or the insurance coverage is still in
27 effect. The license holder must provide the proof in a form

1 satisfactory to the board [~~commission~~] not later than the 10th day
2 after the date the license is suspended.

3 (d) After suspension of the license, the board [~~commission~~]
4 may not reinstate the license until an application, in the form
5 prescribed by the board [~~commission~~], is filed accompanied by a
6 proper bond, insurance certificate, or both. The board
7 [~~commission~~] may deny the application notwithstanding the
8 applicant's compliance with this section:

9 (1) for a reason that would justify suspending,
10 revoking, or denying a license; or

11 (2) if, during the suspension, the applicant performs
12 a practice for which a license is required.

13 SECTION 4.47. Section 1702.125, Occupations Code, is
14 amended to read as follows:

15 Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed
16 with the board [~~commission~~] under this chapter remains in effect
17 until the surety terminates future liability by providing to the
18 board [~~commission~~] at least 30 days' notice of the intent to
19 terminate liability.

20 SECTION 4.48. Sections 1702.127(b) and (c), Occupations
21 Code, are amended to read as follows:

22 (b) A license holder shall maintain a record containing
23 information related to the license holder's employees as required
24 by the board [~~commission~~].

25 (c) A license holder shall maintain for board [~~commission~~]
26 inspection at the license holder's principal place of business or
27 branch office two recent color photographs, of a type required by

1 the board [~~commission~~], of each applicant, registrant,
2 commissioned security officer, and employee of the license holder.

3 SECTION 4.49. Section 1702.129, Occupations Code, is
4 amended to read as follows:

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

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

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

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

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

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

16 (1) is established;

17 (2) is closed; or

18 (3) changes address or location.

19 SECTION 4.50. Section 1702.131, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.131. ADVERTISING. An advertisement by a license
22 holder soliciting or advertising business must contain the license
23 holder's company name and address as stated in board [~~commission~~]
24 records.

25 SECTION 4.51. Section 1702.161(b), Occupations Code, is
26 amended to read as follows:

27 (b) An individual employed as a security officer may not

1 knowingly carry a firearm during the course of performing duties as
2 a security officer unless the board [~~commission~~] has issued a
3 security officer commission to the individual.

4 SECTION 4.52. Section 1702.162, Occupations Code, is
5 amended to read as follows:

6 Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER
7 COMMISSION. The employer of a security officer who applies for a
8 security officer commission for the officer must submit an
9 application to the board [~~commission~~] on a form provided by the
10 board [~~commission~~].

11 SECTION 4.53. Section 1702.165, Occupations Code, is
12 amended to read as follows:

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

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

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

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

25 SECTION 4.54. Section 1702.167, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED

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

9 SECTION 4.55. Sections 1702.1675(a), (b), (c), (d), (e),
10 (f), and (i), Occupations Code, are amended to read as follows:

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

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

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

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

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

- 26 (1) board [~~commission~~] rules and applicable state
27 laws;

1 (2) field note taking and report writing; and

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

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

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

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

15 SECTION 4.56. Section 1702.168, Occupations Code, is
16 amended to read as follows:

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

22 (1) physical and mental standards;

23 (2) standards of good moral character; and

24 (3) other requirements that relate to the competency
25 and reliability of individuals to carry firearms.

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

1 requirements are fulfilled.

2 SECTION 4.57. Sections 1702.1685(b) and (d), Occupations
3 Code, are amended to read as follows:

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

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

9 SECTION 4.58. Section 1702.171, Occupations Code, is
10 amended to read as follows:

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

15 SECTION 4.59. Section 1702.183, Occupations Code, is
16 amended to read as follows:

17 Sec. 1702.183. APPLICATION FOR LETTER OF AUTHORITY. A
18 security department of a private business or of a political
19 subdivision that applies for a security officer commission for an
20 individual employed by the security department must submit an
21 application to the board [~~commission~~] for a letter of authority on a
22 form provided by the board [~~commission~~].

23 SECTION 4.60. The heading to Subchapter I, Chapter 1702,
24 Occupations Code, is amended to read as follows:

25 SUBCHAPTER I. PERSONAL PROTECTION OFFICER ENDORSEMENT
26 [~~AUTHORIZATION~~] REQUIREMENTS

27 SECTION 4.61. Section 1702.201, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT
3 [~~AUTHORIZATION~~] REQUIRED. A commissioned security officer may not
4 act as a personal protection officer unless the officer holds a
5 personal protection officer endorsement [~~authorization~~].

6 SECTION 4.62. Section 1702.203, Occupations Code, is
7 amended to read as follows:

8 Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER
9 ENDORSEMENT [~~AUTHORIZATION~~]. An applicant for a personal
10 protection officer endorsement [~~authorization~~] must submit a
11 written application on a form prescribed by the board [~~commission~~].

12 SECTION 4.63. Section 1702.204, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.204. PERSONAL PROTECTION OFFICER ENDORSEMENT
15 [~~AUTHORIZATION~~]; QUALIFICATIONS. (a) An applicant for a personal
16 protection officer endorsement [~~authorization~~] must be at least 21
17 years of age and must provide:

18 (1) a certificate of completion of the basic security
19 officer training course;

20 (2) proof that the applicant:

21 (A) has been issued a security officer
22 commission;

23 (B) is employed at the time of application by an
24 investigations company or guard company licensed by the board
25 [~~commission~~]; and

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

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

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

8 SECTION 4.64. Section 1702.205(a), Occupations Code, is
9 amended to read as follows:

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

13 SECTION 4.65. Section 1702.206, Occupations Code, is
14 amended to read as follows:

15 Sec. 1702.206. CONCEALED FIREARMS. An individual acting as
16 a personal protection officer may not carry a concealed firearm
17 unless the officer:

18 (1) is either:

19 (A) engaged in the exclusive performance of the
20 officer's duties as a personal protection officer for the employer
21 under whom the officer's personal protection officer endorsement
22 [~~authorization~~] is issued; or

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

25 (2) carries the officer's security officer commission
26 and personal protection officer endorsement [~~authorization~~] on the
27 officer's person while performing the officer's duties or traveling

1 as described by Subdivision (1) and presents the commission and
2 endorsement [~~authorization~~] on request.

3 SECTION 4.66. Section 1702.221, Occupations Code, is
4 amended to read as follows:

5 Sec. 1702.221. REGISTRATION AND ENDORSEMENT REQUIRED. (a)
6 Before an individual may perform any activity regulated by this
7 chapter, the individual must:

8 (1) register in accordance with the requirements of
9 this chapter and related administrative rules;

10 (2) obtain the proper endorsement under Subsection
11 (b); and

12 (3) be employed by a company licensed under this
13 chapter.

14 (b) An individual must obtain the appropriate endorsement
15 [~~register~~] in accordance with the requirements of this chapter and
16 related administrative rules if the individual:

17 (1) is employed as:

18 (A) an alarm instructor;

19 (B) an alarm systems installer;

20 (C) an [] alarm systems monitor;

21 (D) an [] electronic access control device
22 installer;

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

24 (F) a [] locksmith;

25 (G) a [] dog trainer;

26 (H) a [] manager or branch office manager;

27 (I) a [] noncommissioned security officer;

1 (J) a level 4 personal protection instructor;

2 (K) a [7] private investigator;

3 (L) a [7] private security consultant;

4 (M) a [~~7-04~~] security salesperson; or

5 (N) an individual whose duties include
6 performing another activity for which an endorsement is required
7 under Subsection (e); or

8 (2) is an owner, officer, partner, or shareholder of a
9 license holder.

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

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

20 (e) The board by rule may require a person to hold an
21 endorsement for performing other activity expressly regulated by
22 this chapter.

23 SECTION 4.67. Section 1702.2226(b), Occupations Code, is
24 amended to read as follows:

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

1 systems installer.

2 SECTION 4.68. The heading to Subchapter J, Chapter 1702,
3 Occupations Code, is amended to read as follows:

4 SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS;
5 [~~REGISTRANT~~] DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER

6 SECTION 4.69. Section 1702.228, Occupations Code, is
7 amended to read as follows:

8 Sec. 1702.228. EMPLOYEE OF LICENSE HOLDER; REGISTRATION
9 PERMITTED. An employee of a license holder who is employed in a
10 capacity that is not subject to mandatory registration under this
11 subchapter may register with the board [~~commission~~].

12 SECTION 4.70. Section 1702.230, Occupations Code, is
13 amended to read as follows:

14 Sec. 1702.230. APPLICATION FOR REGISTRATION OR
15 ENDORSEMENT. (a) An application for registration or endorsement
16 must be verified and include:

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

20 (2) a statement that:

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

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

1 of application;

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

4 (4) the date the employment commenced;

5 (5) a letter from the license holder requesting that
6 the applicant be registered or endorsed;

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

9 (7) any other information, evidence, statement, or
10 document required by the board [~~commission~~].

11 (b) The employer of the applicant shall make a reasonable
12 attempt to verify the information required under Subsection (a)(1).

13 SECTION 4.71. Section 1702.2305, Occupations Code, is
14 amended to read as follows:

15 Sec. 1702.2305. PROVISIONAL REGISTRATION. (a) The board
16 [~~commission~~] may issue a provisional registration to an applicant
17 currently registered in another jurisdiction who seeks an
18 equivalent registration in this state and who:

19 (1) has been registered in good standing in the field
20 in which the registration is sought for at least two years in
21 another jurisdiction, including a foreign country, that has
22 registration requirements substantially equivalent to the
23 requirements of this chapter;

24 (2) has passed a national or other examination
25 recognized by the board [~~commission~~] relating to practice in the
26 field in which the registration is sought; and

27 (3) is employed by a person licensed by the board

1 ~~[commission]~~ under this chapter with whom the provisional
2 registration holder will practice during the time the person holds
3 a provisional registration.

4 (b) A provisional registration is valid until the date the
5 board ~~[commission]~~ approves or denies the provisional registration
6 holder's application for a registration. The board ~~[commission]~~
7 shall issue a registration under this chapter to the provisional
8 registration holder if the provisional registration holder is
9 eligible to be registered under this chapter.

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

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

19 SECTION 4.72. Section 1702.232, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.232. POCKET CARDS. (a) The board ~~[commission]~~
22 shall issue a pocket card for each registrant under this chapter. A
23 pocket card for an owner, officer, partner, or shareholder of a
24 license holder shall be issued to the license holder.

25 (b) The board ~~[commission]~~ shall determine the size,
26 design, and content of the pocket card.

27 (c) The pocket card must:

- 1 (1) state the name of the registrant;
- 2 (2) contain a color photograph and the signature of
3 the registrant; ~~and~~
- 4 (3) state the date the card was issued and the card's
5 expiration date; and
- 6 (4) state each endorsement held by the registrant and
7 the date the endorsement expires.

8 SECTION 4.73. Section 1702.234, Occupations Code, is
9 amended to read as follows:

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

18 SECTION 4.74. Section 1702.235, Occupations Code, is
19 amended to read as follows:

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

24 SECTION 4.75. Section 1702.236, Occupations Code, is
25 amended to read as follows:

26 Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR
27 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The board

1 ~~[commission]~~ shall require an individual who applies for an
2 endorsement ~~[registration]~~ as an electronic access control device
3 installer to pass an examination given by the board ~~[commission]~~ or
4 a person approved by the board ~~[commission]~~. The examination must
5 cover material related to access control.

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

12 SECTION 4.76. Sections 1702.239(a), (b), and (d),
13 Occupations Code, are amended to read as follows:

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

25 (b) The board ~~[commission]~~ may require an individual who has
26 completed a training program under Subsection (a) to pass an
27 examination given by the board ~~[commission]~~ or by a person approved

1 by the board [~~commission~~]. The board [~~commission~~] may approve
2 examinations in conjunction with training programs approved under
3 Subsection (a). The individual's performance on the examination
4 must demonstrate the individual's qualifications to perform the
5 duties allowed by the individual's endorsement [~~registration~~].

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

18 SECTION 4.77. Section 1702.240(b), Occupations Code, is
19 amended to read as follows:

20 (b) An employee of a license holder who is employed
21 exclusively as an undercover agent is not required to register with
22 the board [~~commission~~].

23 SECTION 4.78. Subchapter J, Chapter 1702, Occupations Code,
24 is amended by adding Section 1702.241 to read as follows:

25 Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The board
26 may develop and administer at least twice each calendar year a
27 jurisprudence examination to determine the knowledge that an

1 applicant for an endorsement has of this chapter, board rules, and
2 any other applicable laws of this state affecting the applicant's
3 activities regulated under this chapter.

4 (b) Before the board may administer a jurisprudence
5 examination under this section, the board shall adopt rules to
6 implement this section, including rules related to the development
7 and administration of the examination, examination fees,
8 guidelines for reexamination, grading the examination, and
9 providing notice of examination results. The board may design
10 different examinations for different types of endorsements.

11 SECTION 4.79. Sections 1702.282(a), (c), and (e),
12 Occupations Code, are amended to read as follows:

13 (a) The board shall conduct a criminal history check,
14 including a check of any criminal history record information
15 maintained by the Federal Bureau of Investigation, in the manner
16 provided by Subchapter F, Chapter 411, Government Code, on each
17 applicant for a license, registration, security officer
18 commission, letter of approval, permit, endorsement, or
19 certification. An applicant is not eligible for a license,
20 registration, commission, letter of approval, permit, endorsement,
21 or certification if the check reveals that the applicant has
22 committed an act that constitutes grounds for the denial of the
23 license, registration, commission, letter of approval, permit,
24 endorsement, or certification. Except as provided by Subsection
25 (d), each applicant shall include in the application two complete
26 sets of fingerprints on forms prescribed by the board accompanied
27 by the fee set by the board.

1 (c) A license, registration, security officer commission,
2 letter of approval, permit, endorsement, or certification issued by
3 the board is conditional on the board's receipt of criminal history
4 record information.

5 (e) On receipt of notice that a check of the applicant's
6 criminal record has uncovered an unresolved and potentially
7 disqualifying arrest that occurred before the 10th anniversary of
8 the date the application is filed, the applicant must provide a
9 letter of reference from the county sheriff, prosecuting attorney,
10 or judge of the county in which the applicant was arrested stating
11 that a record of a disposition related to the arrest does not exist,
12 and to the best of the county sheriff's, prosecuting attorney's, or
13 judge's knowledge the applicant is free of any disqualifying
14 convictions. If the applicant fails to provide either the letter of
15 reference or documentary proof of the final disposition of the
16 arrest, the application is considered incomplete and the applicant
17 may not be issued a license, commission, endorsement, or
18 certificate of registration under this chapter.

19 SECTION 4.80. Section 1702.283, Occupations Code, is
20 amended to read as follows:

21 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been
22 convicted of cruelty to animals under Section 42.09 or 42.092,
23 Penal Code:

24 (1) is ineligible for a license as a guard dog company
25 or for endorsement [~~registration~~] as a dog trainer; and

26 (2) may not be employed to work with dogs as a security
27 officer by a security services contractor or security department of

1 a private business that uses dogs to protect individuals or
2 property or to conduct investigations.

3 SECTION 4.81. Section 1702.285, Occupations Code, is
4 amended to read as follows:

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

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

8 (2) is licensed, registered, endorsed, or
9 commissioned under this chapter.

10 SECTION 4.82. Sections 1702.301(c), (d), (e), (f), (g), and
11 (h), Occupations Code, are amended to read as follows:

12 (c) A personal protection officer endorsement
13 [~~authorization~~] expires on the expiration date of the security
14 officer commission under which the individual's endorsement
15 [~~authorization~~] is issued.

16 (d) Endorsement [~~Registration~~] as a private investigator,
17 manager, branch office manager, alarm systems installer, security
18 consultant, security salesperson, alarm systems monitor, or dog
19 trainer expires on the second anniversary of the date of
20 endorsement [~~registration~~].

21 (e) Endorsement [~~Registration~~] as an owner, officer,
22 partner, or shareholder of a license holder expires on the second
23 anniversary of the date of endorsement [~~registration~~].

24 (f) Endorsement [~~Registration~~] as a noncommissioned
25 security officer expires on the second anniversary of the date of
26 endorsement [~~registration~~].

27 (g) A letter of authority, or a school approval or school

1 instructor approval letter issued by the board [~~commission~~],
2 expires on the first anniversary of the date of issuance.

3 (h) A license, ~~[or]~~ registration, or endorsement issued
4 under this chapter, other than one specified in this section,
5 expires on the date specified by this chapter or by board
6 [~~commission~~] rule.

7 SECTION 4.83. Section 1702.302, Occupations Code, is
8 amended to read as follows:

9 Sec. 1702.302. LICENSE RENEWAL. (a) A person who is
10 otherwise eligible to renew a license may renew an unexpired
11 license by paying the required renewal fee to the board
12 [~~commission~~] before the expiration date of the license. A person
13 whose license has expired may not engage in activities that require
14 a license until the license has been renewed.

15 (b) A person whose license has been expired for 90 days or
16 less may renew the license by paying to the board [~~commission~~] a
17 renewal fee that is equal to 1-1/2 times the normally required
18 renewal fee.

19 (c) A person whose license has been expired for longer than
20 90 days but less than one year may renew the license by paying to the
21 board [~~commission~~] a renewal fee that is equal to two times the
22 normally required renewal fee.

23 (d) A person whose license has been expired for one year or
24 more may not renew the license. The person may obtain a new license
25 by complying with the requirements and procedures, including the
26 examination requirements, for obtaining an original license.

27 (e) Not later than the 30th day before the date a person's

1 license is scheduled to expire, the board [~~commission~~] shall send
2 written notice of the impending expiration to the person at the
3 person's last known address according to the board's [~~commission's~~]
4 records.

5 SECTION 4.84. Section 1702.303, Occupations Code, is
6 amended to read as follows:

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

14 SECTION 4.85. Section 1702.304, Occupations Code, is
15 amended to read as follows:

16 Sec. 1702.304. STAGGERED RENEWAL; PRORATION OF LICENSE FEE.
17 The board [~~commission~~] by rule may adopt a system under which
18 licenses expire on various dates during the year. For the year in
19 which the expiration date of a license is changed, the board
20 [~~commission~~] shall prorate license fees on a monthly basis so that
21 each license holder pays only that portion of the license fee that
22 is allocable to the number of months during which the license is
23 valid. On renewal of the license on the new expiration date, the
24 total license renewal fee is payable.

25 SECTION 4.86. Section 1702.307, Occupations Code, is
26 amended to read as follows:

27 Sec. 1702.307. REGISTRATION RENEWAL. (a) An individual

1 who is otherwise eligible to renew a registration may renew an
2 unexpired registration by paying the required renewal fee to the
3 board [~~commission~~] before the expiration date of the registration.

4 An individual whose registration has expired may not engage in
5 activities that require a registration until the registration has
6 been renewed.

7 (b) An individual whose registration has been expired for 90
8 days or less may renew the registration by paying to the board
9 [~~commission~~] a renewal fee that is equal to 1-1/2 times the normally
10 required renewal fee.

11 (c) An individual whose registration has been expired for
12 more than 90 days but less than one year may renew the registration
13 by paying to the board [~~commission~~] a renewal fee that is equal to
14 two times the normally required renewal fee.

15 (d) An individual whose registration has been expired for
16 one year or more may not renew the registration. The individual may
17 obtain a new registration by complying with the requirements and
18 procedures, including any examination required by the board
19 [~~commission~~], for obtaining an original registration.

20 (e) An individual who was registered in this state, moved to
21 another state, and is currently registered and has been in practice
22 in the other state for the two years preceding the date of
23 application may obtain a new registration without reexamination.
24 The individual must pay to the board [~~commission~~] a fee that is
25 equal to two times the normally required renewal fee for the
26 registration.

27 (f) Not later than the 30th day before the expiration date

1 of an individual's registration, the board [~~commission~~] shall send
2 written notice of the impending expiration to the individual at the
3 individual's last known address according to board [~~commission~~]
4 records.

5 SECTION 4.87. Sections 1702.308(b) and (c), Occupations
6 Code, are amended to read as follows:

7 (b) The board [~~commission~~] shall recognize, prepare, or
8 administer continuing education programs for license holders,
9 commissioned security officers, and endorsement holders
10 [~~registrants~~]. The board [~~commission~~] shall set the minimum number
11 of hours that must be completed and the types of programs that may
12 be offered.

13 (c) A license holder, commissioned security officer, or
14 endorsement holder [~~registrant~~] must participate in the programs to
15 the extent required by the board [~~commission~~] to keep the person's
16 license, commission, or endorsement [~~registration~~]. A license
17 holder, commissioned security officer, or endorsement holder
18 [~~registrant~~] shall submit evidence of compliance with the board's
19 [~~commission's~~] continuing education requirements in a manner
20 prescribed by the board [~~commission~~].

21 SECTION 4.88. Section 1702.309(a), Occupations Code, is
22 amended to read as follows:

23 (a) The board [~~commission~~] by rule shall develop a
24 continuing education course required for renewal of a security
25 officer commission. Only a board-approved [~~commission-approved~~]
26 instructor may administer the continuing education course. The
27 course must include at least six hours of instruction determined by

1 the chief administrator [~~director~~] of the board [~~commission~~].

2 SECTION 4.89. Sections 1702.321(b), (c), and (e),
3 Occupations Code, are amended to read as follows:

4 (b) The provisions of this chapter relating to security
5 officer commissions apply to a person employed by a political
6 subdivision whose duties include serving as a security guard,
7 security watchman, or security patrolman on property owned or
8 operated by the political subdivision if the governing body of the
9 political subdivision files a written request with the board
10 [~~commission~~] for the board [~~commission~~] to issue a commission to
11 the political subdivision's employees with those duties.

12 (c) The board [~~commission~~] may not charge a fee for issuing
13 a commission to an officer under Subsection (b). The board
14 [~~commission~~] shall issue to the officer a pocket card designating
15 the political subdivision that employs the officer.

16 (e) The board [~~commission~~] may approve a security officer
17 training program conducted by the political subdivision in
18 accordance with Sections 1702.1675 and 1702.168.

19 SECTION 4.90. Sections 1702.361(a) and (b), Occupations
20 Code, are amended to read as follows:

21 (a) Subject to the board's final order under the hearing
22 provisions of this subchapter, the department, for conduct
23 described by Subsection (b), may:

24 (1) deny an application or revoke, suspend, or refuse
25 to renew a license, registration, endorsement, or security officer
26 commission;

27 (2) reprimand a license holder, registrant, or

1 commissioned security officer; or

2 (3) place on probation a person whose license,
3 registration, endorsement, or security officer commission has been
4 suspended.

5 (b) The department shall take disciplinary action described
6 by Subsection (a) on proof:

7 (1) that the applicant, license holder, registrant,
8 endorsement holder, or commissioned security officer has:

9 (A) violated this chapter or a rule adopted under
10 this chapter;

11 (B) become ineligible for licensure, ~~or~~
12 registration, or endorsement under Section 1702.113, or a
13 commission under Section 1702.163, if applicable, other than an
14 action for which the department has taken summary action under
15 Section 1702.364;

16 (C) engaged in fraud, deceit, or
17 misrepresentation;

18 (D) made a material misstatement in an
19 application for or renewal of a license, registration, endorsement,
20 or commission; ~~or~~

21 (E) failed to pay in full an administrative
22 penalty assessed under Subchapter Q, for which the board has issued
23 a final order; or

24 (F) performed any service for which an
25 endorsement is required under this chapter and either:

26 (i) was not employed with a company
27 licensed under this chapter at the time the service was performed;

1 or

2 (ii) performed the service for a company
3 licensed under this chapter that was not listed on the individual's
4 registration without informing the board of the individual's
5 employment with the company within a reasonable period; or

6 (2) that the license holder of a registrant or
7 commissioned security officer has submitted to the department
8 sufficient evidence that the registrant or commissioned security
9 officer:

10 (A) engaged in fraud or deceit while employed by
11 the license holder; or

12 (B) committed theft while performing work as a
13 registrant or commissioned security officer.

14 SECTION 4.91. Section 1702.362, Occupations Code, is
15 amended to read as follows:

16 Sec. 1702.362. FAILURE TO FILE REQUIRED NOTICE. The board
17 [~~commission~~] may suspend or revoke a license if the license holder
18 fails to notify the board [~~commission~~] as required by Section
19 1702.121 that a manager has ceased to be the manager of the license
20 holder.

21 SECTION 4.92. Section 1702.363, Occupations Code, is
22 amended to read as follows:

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

1 section is a contested case that is governed by Chapter 2001,
2 Government Code.

3 SECTION 4.93. Sections 1702.364(a), (d), (f), and (h),
4 Occupations Code, are amended to read as follows:

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

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

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

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

20 (d) At a preliminary hearing, the person must show cause
21 why:

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

23 (2) the registration, license, endorsement, or
24 security officer commission should not have been suspended; or

25 (3) the registration, license, endorsement, or
26 commission should not have been revoked.

27 (f) The dismissal of a complaint, information, or

1 indictment or an acquittal releases the person from automatic
2 grounds for a summary denial of an application or summary
3 suspension of a registration, endorsement, or security officer
4 commission under this section. A conviction for the offense giving
5 rise to a summary suspension is automatic grounds for immediate,
6 summary revocation.

7 (h) The administrative law judge shall make findings of fact
8 and conclusions of law regarding the person's eligibility for a
9 license, registration, or endorsement under this section and
10 promptly issue to the board a proposal for a decision.

11 SECTION 4.94. Section 1702.365, Occupations Code, is
12 amended to read as follows:

13 Sec. 1702.365. ABDUCTION OF CHILD. The board [~~commission~~]
14 shall revoke a person's license, registration, endorsement, or
15 security officer commission or deny a person's application for, or
16 renewal of, a license, registration, endorsement, or security
17 officer commission on proof that the person or an agent of the
18 person has, after the date of application for a license,
19 registration, endorsement, or security officer commission,
20 abducted or attempted to abduct by force or the threat of force or
21 by misrepresentation, stealth, or unlawful entry a child who at the
22 time of the abduction or attempt is under the care and control of a
23 person who:

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

26 (2) is exercising the care and control with the
27 consent of a person who has custody or physical possession of the

1 child under a court order.

2 SECTION 4.95. Sections 1702.367(a), (c), (d), and (e),
3 Occupations Code, are amended to read as follows:

4 (a) For an investigation conducted under this chapter, the
5 board [~~commission~~] may issue a subpoena to compel the attendance of
6 a witness or the production of a pertinent record or document. The
7 hearings officer may administer oaths and require testimony or
8 evidence to be given under oath.

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

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

27 (e) An investigator employed by the board [~~commission~~] may

1 take statements under oath in an investigation of a matter covered
2 by this chapter.

3 SECTION 4.96. Section 1702.368, Occupations Code, is
4 amended to read as follows:

5 Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN
6 OFFENSES. The department [~~Texas Department of Public Safety~~] shall
7 notify the board [~~commission~~] and the police department of the
8 municipality and the sheriff's department of the county in which a
9 person licensed, registered, or commissioned under this chapter
10 resides of the conviction of the person for a Class B misdemeanor or
11 equivalent offense or a greater offense.

12 SECTION 4.97. Subchapter O, Chapter 1702, Occupations Code,
13 is amended by adding Section 1702.372 to read as follows:

14 Sec. 1702.372. RECUSAL OF BOARD MEMBER. (a) A board member
15 who participated in the investigation of a complaint or in informal
16 settlement negotiations regarding the complaint:

17 (1) may not vote on the matter at a board meeting
18 related to the complaint; and

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

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

23 SECTION 4.98. Section 1702.381(b), Occupations Code, is
24 amended to read as follows:

25 (b) A person who contracts with or employs a person who is
26 required to hold a license, [~~certificate of~~] registration,
27 endorsement, or security officer commission under this chapter

1 knowing that the person does not hold the required license,
2 registration, endorsement [~~certificate~~], or commission or who
3 otherwise, at the time of contract or employment, is in violation of
4 this chapter may be assessed a civil penalty to be paid to the state
5 in an amount not to exceed \$10,000 for each violation.

6 SECTION 4.99. Section 1702.386(a), Occupations Code, is
7 amended to read as follows:

8 (a) A person commits an offense if the person contracts with
9 or employs a person who is required to hold a license, registration,
10 endorsement [~~certificate~~], or commission under this chapter
11 knowing that the person does not hold the required license,
12 registration, endorsement [~~certificate~~], or commission or who
13 otherwise, at the time of contract or employment, is in violation of
14 this chapter.

15 SECTION 4.100. Section 1702.3863(a), Occupations Code, is
16 amended to read as follows:

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

- 21 (1) a peace officer;
- 22 (2) an individual endorsed or licensed as a private
23 investigator or the manager of a licensed investigations company;
24 or
- 25 (3) a commissioned security officer employed by a
26 licensed guard company.

27 SECTION 4.101. Section 1702.387(a), Occupations Code, is

1 amended to read as follows:

2 (a) A person commits an offense if the person fails to
3 surrender or immediately return to the board [~~commission~~] the
4 person's registration, commission, pocket card, or other
5 identification issued to the person by the board [~~commission~~] on
6 notification of a summary suspension or summary denial under
7 Section 1702.364.

8 SECTION 4.102. Section 1702.388(b), Occupations Code, is
9 amended to read as follows:

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

15 SECTION 4.103. Section 1702.402, Occupations Code, is
16 amended by amending Subsection (a) and adding Subsection (c) to
17 read as follows:

18 (a) Each day a violation continues or occurs is a separate
19 violation for purposes of imposing a penalty. The amount of each
20 separate violation may not exceed \$5,000 [~~\$500~~].

21 (c) The board by rule shall develop a standardized penalty
22 schedule based on the criteria listed in Subsection (b).

23 SECTION 4.104. Section 1702.406(b), Occupations Code, is
24 amended to read as follows:

25 (b) The notice of the board's order given to the person must
26 include a statement of the right of the person to judicial review of
27 the order. Judicial review is under the substantial evidence rule

1 as provided by Subchapter G, Chapter 2001, Government Code.

2 SECTION 4.105. The following provisions of the Occupations
3 Code are repealed:

- 4 (1) Section 1702.002(4);
- 5 (2) Section 1702.003;
- 6 (3) Section 1702.045;
- 7 (4) Section 1702.046;
- 8 (5) Section 1702.047;
- 9 (6) Section 1702.065;
- 10 (7) Section 1702.069;
- 11 (8) Section 1702.113(e);
- 12 (9) Section 1702.364(j); and
- 13 (10) Subchapter K.

14 SECTION 4.106. (a) Not later than January 1, 2010, the
15 Texas Private Security Board and the Department of Public Safety
16 shall adopt the rules required by or under Section 1702.062,
17 Occupations Code, as amended by this article. The fee schedule in
18 effect under Section 1702.062, Occupations Code, before the
19 effective date of this article is continued in effect until new fees
20 are adopted under Section 1702.062, Occupations Code, as amended by
21 this article.

22 (b) The requirement to pass a jurisprudence examination
23 under Section 1702.241, Occupations Code, as added by this article,
24 applies only to an individual who applies for a registration or
25 endorsement under Chapter 1702, Occupations Code, on or after the
26 date specified by the Texas Private Security Board in the event the
27 board begins requiring applicants to pass a jurisprudence

1 examination, but not earlier than September 1, 2010.

2 (c) The changes in law made by this article related to the
3 filing, investigation, or resolution of a complaint under Chapter
4 1702, Occupations Code, as amended by this article, apply only to a
5 complaint filed with the Texas Private Security Board on or after
6 the effective date of this article. A complaint filed before the
7 effective date of this article is governed by the law as it existed
8 immediately before that date, and the former law is continued in
9 effect for that purpose.

10 (d) The changes in law made by this article governing the
11 authority of the Texas Private Security Board and the Department of
12 Public Safety to issue, renew, or revoke a license, registration,
13 endorsement, or commission under Chapter 1702, Occupations Code,
14 apply only to an application for an original or renewal license,
15 registration, endorsement, or commission filed with the Texas
16 Private Security Board under Chapter 1702, Occupations Code, as
17 amended by this article, on or after the effective date of this
18 article. An application filed before the effective date of this
19 article is governed by the law in effect at the time the application
20 was filed, and the former law is continued in effect for that
21 purpose.

22 (e) The change in law made by this article with respect to
23 conduct that is grounds for imposition of a disciplinary sanction
24 applies only to conduct that occurs on or after the effective date
25 of this article. Conduct that occurs before the effective date of
26 this article is governed by the law in effect on the date the
27 conduct occurred, and the former law is continued in effect for that

1 purpose.

2 (f) Section 1702.372, Occupations Code, as added by this
3 article, applies only to a hearing conducted on or after the
4 effective date of this article, regardless of the date on which the
5 complaint was filed. A complaint on which a hearing is conducted
6 before the effective date of this article is governed by the law in
7 effect on the date the hearing was conducted, and the former law is
8 continued in effect for that purpose.

9 (g) The holder of a Class D license under Chapter 1702,
10 Occupations Code, as amended by this article, shall be considered
11 to hold a Class B license on the effective date of this article. On
12 the expiration of the Class D license, the license holder may renew
13 the license as a Class B license.

14 SECTION 4.107. This article takes effect September 1, 2009.

15 ARTICLE 5. GENERAL PROVISIONS

16 SECTION 5.01. Section 411.002, Government Code, is amended
17 by amending Subsection (c) and adding Subsections (d) and (e) to
18 read as follows:

19 (c) The Department of Public Safety of the State of Texas is
20 subject to Chapter 325 (Texas Sunset Act). Unless continued in
21 existence as provided by that chapter, the department is abolished
22 and Subsections (a) and (b) expire September 1, 2021 [~~2009~~].

23 (d) Not later than December 1, 2010, the Sunset Advisory
24 Commission shall review and prepare a written report for submission
25 to the legislature on the department's implementation of:

26 (1) the recommendations in the 2008 audit of the
27 department's information technology system; and

1 (2) a civilian business model for the operation of the
2 driver's license division that focuses on improving customer
3 service by:

4 (A) using best practices in call center
5 technology and monitoring customer service calls;

6 (B) expanding operating hours at driver's
7 license offices; and

8 (C) decreasing the time the department takes to
9 send a replacement driver's license.

10 (e) The Sunset Advisory Commission shall submit the report
11 required by Subsection (d) not later than February 15, 2011. This
12 subsection and Subsection (d) expire August 31, 2011.

13 SECTION 5.02. Section 411.0035, Government Code, is amended
14 to read as follows:

15 Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a)
16 In this section, "Texas trade association" means a cooperative and
17 voluntarily joined statewide association of business or
18 professional competitors in this state designed to assist its
19 members and its industry or profession in dealing with mutual
20 business or professional problems and in promoting their common
21 interest.

22 (b) A person may not be [serve as] a member of the commission
23 and may not be a department employee employed in a "bona fide
24 executive, administrative, or professional capacity," as that
25 phrase is used for purposes of establishing an exemption to the
26 overtime provisions of the federal Fair Labor Standards Act of 1938
27 (29 U.S.C. Section 201 et seq.), if:

1 (1) the person is an officer, employee, or paid
2 consultant of a Texas trade association in the field of law
3 enforcement or private security; or

4 (2) the person's spouse is an officer, manager, or paid
5 consultant of a Texas trade association in the field of law
6 enforcement or private security.

7 (c) A person may not be a member of the commission or act as
8 the general counsel to the commission if the person is required to
9 register as a lobbyist under Chapter 305 because of the person's
10 activities for compensation on behalf of a profession related to
11 the operation of the commission.

12 SECTION 5.03. Subchapter A, Chapter 411, Government Code,
13 is amended by adding Section 411.0042 to read as follows:

14 Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The
15 commission shall develop and implement policies that clearly
16 separate the policymaking responsibilities of the commission and
17 the management responsibilities of the director and the staff of
18 the department.

19 SECTION 5.04. Subchapter A, Chapter 411, Government Code,
20 is amended by adding Section 411.0043 to read as follows:

21 Sec. 411.0043. TECHNOLOGY POLICY. The commission shall
22 implement a policy requiring the department to use appropriate
23 technological solutions to improve the department's ability to
24 perform its functions. The policy must ensure that the public is
25 able to interact with the department on the Internet.

26 SECTION 5.05. Subchapter A, Chapter 411, Government Code,
27 is amended by adding Section 411.0044 to read as follows:

1 Sec. 411.0044. NEGOTIATED RULEMAKING AND ALTERNATIVE
2 DISPUTE RESOLUTION. (a) The commission shall develop and
3 implement a policy to encourage the use of:

4 (1) negotiated rulemaking procedures under Chapter
5 2008 for the adoption of department rules; and

6 (2) appropriate alternative dispute resolution
7 procedures under Chapter 2009 to assist in the resolution of
8 internal and external disputes under the department's
9 jurisdiction.

10 (b) The department's procedures relating to alternative
11 dispute resolution must conform, to the extent possible, to any
12 model guidelines issued by the State Office of Administrative
13 Hearings for the use of alternative dispute resolution by state
14 agencies.

15 (c) The commission shall designate a trained person to:

16 (1) coordinate the implementation of the policy
17 adopted under Subsection (a);

18 (2) serve as a resource for any training needed to
19 implement the procedures for negotiated rulemaking or alternative
20 dispute resolution; and

21 (3) collect data concerning the effectiveness of those
22 procedures, as implemented by the department.

23 SECTION 5.06. Section 411.015(b), Government Code, is
24 amended to read as follows:

25 (b) [~~The number of divisions may not exceed the number of~~
26 ~~divisions existing on August 22, 1957.~~] The division relating to
27 the Texas Rangers may not be abolished.

1 SECTION 5.07. Sections 411.0195(a), (b), and (c),
2 Government Code, are amended to read as follows:

3 (a) The department shall maintain a system to promptly and
4 efficiently act on [~~prepare information of public interest~~
5 ~~describing the functions of the department and the department's~~
6 ~~procedures by which~~] complaints [~~are~~] filed with [~~and resolved by~~]
7 the department. The department shall maintain [~~make the~~]
8 information about parties to the complaint, the subject matter of
9 the complaint, a summary of the results of the review or
10 investigation of the complaint, and its disposition [~~available to~~
11 ~~the public and appropriate state agencies~~].

12 (b) The department shall make information available
13 describing its procedures for complaint investigation and
14 resolution [~~director by rule shall establish methods by which~~
15 ~~consumers and service recipients are notified of the name, mailing~~
16 ~~address, and telephone number of the department for the purpose of~~
17 ~~directing complaints to the department~~].

18 (c) The department shall periodically notify the complaint
19 parties of the status of the complaint until final disposition
20 [~~maintain a file on each written complaint filed with the~~
21 ~~department. The file must include:~~

- 22 [~~(1) the name of the person who filed the complaint,~~
23 [~~(2) the date the complaint is received by the~~
24 ~~department,~~
25 [~~(3) the subject matter of the complaint,~~
26 [~~(4) the name of each person contacted in relation to~~
27 ~~the complaint,~~

1 ~~[(5) a summary of the results of the review or~~
2 ~~investigation of the complaint, and~~

3 ~~[(6) an explanation of the reason the file was closed,~~
4 ~~if the agency closed the file without taking action other than to~~
5 ~~investigate the complaint].~~

6 SECTION 5.08. Section 411.188, Government Code, is amended
7 by adding Subsection (j) to read as follows:

8 (j) The department may offer online, or allow a qualified
9 handgun instructor to offer online, the continuing education
10 instruction course and written section of the proficiency
11 examination required to renew a license.

12 SECTION 5.09. The heading to Section 411.244, Government
13 Code, is amended to read as follows:

14 Sec. 411.244. OFFICE OF INSPECTOR GENERAL [~~INTERNAL~~
15 ~~AFFAIRS~~].

16 SECTION 5.10. Sections 411.244(a), (b), (d), (e), and (f),
17 Government Code, are amended to read as follows:

18 (a) The commission [~~director~~] shall establish the office of
19 inspector general, which is responsible for:

20 (1) acting to prevent and detect criminal conduct
21 within the department; and

22 (2) independently and objectively investigating:

23 (A) criminal activity occurring in all divisions
24 of the department;

25 (B) allegations of wrongdoing by department
26 employees;

27 (C) crimes committed on department property; and

1 (D) serious breaches of department policy
2 ~~[internal affairs]~~.

3 (b) The office of inspector general ~~[internal affairs]~~ has
4 original departmental jurisdiction over all investigations
5 occurring on department property or involving department
6 employees. The office shall coordinate, but need not conduct, all
7 investigations under this section.

8 (d) The commission has direct oversight over the office of
9 inspector general, including decisions regarding budget and
10 staffing. The commission ~~[director]~~ shall appoint the inspector
11 general ~~[head of the office of internal affairs]~~. The inspector
12 general ~~[head of the office of internal affairs]~~ serves until
13 removed by the commission ~~[director]~~. The commission shall
14 establish policies to ensure that the commission continues to
15 oversee the office of inspector general as required by this
16 subsection and to ensure that the office of inspector general
17 retains and exercises its original jurisdiction under Subsection
18 (b).

19 (e) The inspector general ~~[head of the office of internal~~
20 ~~affairs]~~ shall report directly to the commission ~~[director]~~
21 regarding performance of and activities related to investigations,
22 report to the director for administrative purposes, and provide the
23 director with information regarding investigations as appropriate.

24 (f) The inspector general ~~[head of the office of internal~~
25 ~~affairs]~~ shall present at each regularly scheduled commission
26 meeting and at other appropriate times:

27 (1) reports of investigations; and

1 (2) a summary of information relating to
2 investigations conducted under this section that includes analysis
3 of the number, type, and outcome of investigations, trends in the
4 investigations, and recommendations to avoid future complaints.

5 SECTION 5.11. Sections 411.0195(d) and (e), Government
6 Code, are repealed.

7 SECTION 5.12. The changes in law made by this article by the
8 amendment of Section 411.0035, Government Code, apply only to a
9 person first appointed to the Public Safety Commission or employed
10 by the Department of Public Safety of the State of Texas on or after
11 the effective date of this Act. A person first appointed or
12 employed before the effective date of this Act is governed by the
13 law in effect immediately before that date, and the former law is
14 continued in effect for that purpose.

15 SECTION 5.13. The changes in law made by this article by the
16 amendment of Section 411.0195, Government Code, apply only to a
17 complaint filed on or after the effective date of this Act. A
18 complaint filed before the effective date of this Act is governed by
19 the law in effect when the complaint was filed, and the former law
20 is continued in effect for that purpose.

21 ARTICLE 6. ADDITIONAL PROVISIONS

22 SECTION 6.01. Section 411.00755(b), Government Code, is
23 amended to read as follows:

24 (b) The [~~Notwithstanding Chapter 552, the~~] personnel
25 records of a commissioned officer of the department may not be
26 disclosed or otherwise made available to the public, except the
27 department shall release in accordance with Chapter 552:

- 1 (1) any letter, memorandum, or document relating to:
 - 2 (A) a commendation, congratulation, or honor
 - 3 bestowed on the officer for an action, duty, or activity that
 - 4 relates to the officer's official duties; and
 - 5 (B) misconduct by the officer, if the letter,
 - 6 memorandum, or document resulted in disciplinary action;
- 7 (2) the state application for employment submitted by
- 8 the officer, but not including any attachments to the application;
- 9 (3) any reference letter submitted by the officer;
- 10 (4) any letter of recommendation for the officer;
- 11 (5) any employment contract with the officer;
- 12 (6) any periodic evaluation of the officer by a
- 13 supervisor;
- 14 (7) any document recording a promotion or demotion of
- 15 the officer;
- 16 (8) any request for leave by the officer;
- 17 (9) any request by the officer for transfers of shift
- 18 or duty assignments;
- 19 (10) any documents presented to the commission in
- 20 connection with a public hearing under Section 411.007(f);
- 21 (11) the officer's:
 - 22 (A) name;
 - 23 (B) age;
 - 24 (C) dates of employment;
 - 25 (D) positions held; and
 - 26 (E) gross salary; and
- 27 (12) information about the location of the officer's

1 department duty assignments.

2 SECTION 6.02. Section 411.192, Government Code, is amended
3 by amending Subsections (a) and (d) and adding Subsection (e) to
4 read as follows:

5 (a) The department shall disclose to a criminal justice
6 agency information contained in its files and records regarding
7 whether a named individual or any individual named in a specified
8 list is licensed under this subchapter. Information on an
9 individual subject to disclosure under this section includes the
10 individual's name, date of birth, gender, race, ~~and~~ zip code,
11 telephone number, e-mail address, and Internet website address.
12 Except as otherwise provided by this section and by Section
13 411.193, all other records maintained under this subchapter are
14 confidential and are not subject to mandatory disclosure under the
15 open records law, Chapter 552.

16 (d) Except as provided by Subsection (e), ~~[This section~~
17 ~~does not prohibit]~~ the department shall make ~~[from making]~~ public
18 and distribute ~~[distributing]~~ to the public at no cost lists of
19 individuals who are certified as qualified handgun instructors by
20 the department. The department shall include on the lists each
21 individual's name, telephone number, e-mail address, and Internet
22 website address. The department shall make the list available on
23 the department's Internet website.

24 (e) An individual who is certified as a qualified handgun
25 instructor may request in writing that the department not disclose
26 all or part of the information described by Subsection (d)
27 regarding the individual. The department shall remove all or part

1 of the individual's information from the list as requested.

2 SECTION 6.03. Section 614.152, Government Code, as added by
3 Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular
4 Session, 2007, is amended to read as follows:

5 Sec. 614.152. PHYSICAL FITNESS PROGRAMS AND STANDARDS. (a)
6 Out of appropriated funds, each law enforcement agency shall adopt
7 physical fitness programs that a law enforcement officer must
8 participate in and physical fitness standards that a law
9 enforcement officer must meet to continue employment with the
10 agency as a law enforcement officer. The standards as applied to an
11 officer must directly relate to the officer's job duties and may
12 include individual fitness goals specific to the officer's age and
13 sex. A law enforcement agency shall use the services of a
14 consultant to aid the agency in developing the standards.

15 (a-1) Each law enforcement agency shall adopt a reward
16 policy that provides for reward incentives to officers who
17 participate in the program and meet the standards adopted under
18 Subsection (a). The reward incentives under the policy must be an
19 amount of administrative leave of not more than four days per year.

20 (b) Except as provided by Subsection (c), the inability of
21 an officer to participate in a program or meet [~~a violation of~~] a
22 standard adopted under Subsection (a) is just cause to discharge an
23 officer or [~~+~~

24 [~~(1)~~] transfer an officer to a position that is not
25 compensated according to Schedule C of the position classification
26 salary schedule prescribed by the General Appropriations Act [~~, or~~

27 [~~(2) for a law enforcement officer employed by the~~

1 ~~Parks and Wildlife Department and compensated according to Schedule~~
2 ~~B of the position classification salary schedule prescribed by the~~
3 ~~General Appropriations Act, transfer the officer to a position that~~
4 ~~does not require the employee to be a commissioned peace officer].~~

5 (c) A law enforcement agency may temporarily exempt a law
6 enforcement officer from participating in a program or meeting a
7 standard under Subsection (a) based on the facts and circumstances
8 of the individual case, including whether an officer was injured in
9 the line of duty.

10 ARTICLE 7. DRIVER'S LICENSES, COMMERCIAL DRIVER'S LICENSES,
11 COMMERCIAL DRIVER LEARNER'S PERMITS, AND PERSONAL IDENTIFICATION
12 CERTIFICATES

13 SECTION 7.01. Section 521.001(a), Transportation Code, is
14 amended by adding Subdivision (7-a) to read as follows:

15 (7-a) "Resident" means a person who lives in this state
16 and has maintained residency in this state for a period of at least
17 60 days at the time of application for a driver's license or
18 personal identification certificate.

19 SECTION 7.02. Section 521.029, Transportation Code, is
20 amended to read as follows:

21 Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE
22 RESIDENTS. (a) A person who enters this state as a new resident
23 may operate a motor vehicle in this state for no more than 90 [~~30~~]
24 days after the date on which the person enters this state if the
25 person:

- 26 (1) is 16 years of age or older; and
27 (2) has in the person's possession a driver's license

1 issued to the person by the person's state or country of previous
2 residence.

3 (b) If a person subject to this section is prosecuted for
4 operating a motor vehicle without a driver's license, the
5 prosecution alleges that the person has resided in this state for
6 more than 90 [~~30~~] days, and the person claims to have been covered
7 by Subsection (a), the person must prove by the preponderance of the
8 evidence that the person has not resided in this state for more than
9 90 [~~30~~] days.

10 SECTION 7.03. Section 521.041(b), Transportation Code, is
11 amended to read as follows:

12 (b) The department shall maintain suitable indexes, in
13 alphabetical or numerical order, that contain:

14 (1) each denied application and the reasons for the
15 denial;

16 (2) each application that is granted; [~~and~~]

17 (3) the name of each license holder whose license has
18 been suspended, canceled, or revoked and the reasons for that
19 action; and

20 (4) the citizenship status of each holder of a license
21 or personal identification certificate.

22 SECTION 7.04. Section 521.054, Transportation Code, is
23 amended by adding Subsection (e) to read as follows:

24 (e) A person commits an offense if, with intent to defraud
25 or harm another, the person fails or refuses to comply with
26 Subsection (b) or (c). An offense under this subsection is a Class
27 A misdemeanor.

1 SECTION 7.05. Section 521.101, Transportation Code, is
2 amended by amending Subsection (f) and adding Subsections (d-1),
3 (f-1), (f-2), (f-3), and (j) to read as follows:

4 (d-1) Unless the information has been previously provided
5 to the department, the department shall require each applicant for
6 an original, renewal, or duplicate personal identification
7 certificate to furnish to the department:

8 (1) proof of the applicant's United States
9 citizenship; or

10 (2) documentation described by Subsection (f-1).

11 (f) A certificate expires:

12 (1) on a date specified by the department, if the
13 applicant is a citizen or lawful permanent resident of the United
14 States or a refugee or asylee lawfully admitted into the United
15 States; or

16 (2) for an applicant not described by Subdivision (1),
17 on:

18 (A) the expiration of the applicant's authorized
19 stay in the United States; or

20 (B) the second anniversary of the date of
21 issuance, if there is no definite expiration date for the
22 applicant's authorized stay in the United States [~~except that a~~
23 ~~certificate issued to a person 60 years of age or older does not~~
24 ~~expire~~].

25 (f-1) A person who is not a citizen of the United States must
26 present to the department documentation issued by the United States
27 agency responsible for citizenship and immigration that authorizes

1 the applicant to be in the United States.

2 (f-2) The department may not issue an identification
3 certificate to an applicant who fails or refuses to comply with
4 Subsection (f-1).

5 (f-3) In addition to a certificate issued under this
6 section, Subsections (f-1) and (f-2) apply to a personal
7 identification certificate for which application is made under
8 Section 521.103.

9 (j) Except as provided by this section, each personal
10 identification certificate issued by the department:

11 (1) must:

12 (A) be in the same format;

13 (B) have the same appearance and orientation; and

14 (C) contain the same type of information; and

15 (2) may not include any information that this chapter
16 does not reference or require.

17 SECTION 7.06. Subchapter E, Chapter 521, Transportation
18 Code, is amended by adding Section 521.102 to read as follows:

19 Sec. 521.102. TEMPORARY PERSONAL IDENTIFICATION
20 CERTIFICATES UPON APPLICATION FOR EXTENDED LAWFUL PRESENCE. (a)

21 The department shall issue a temporary personal identification
22 certificate to the holder of a certificate which expired because
23 the holder's lawful presence in the United States has expired,
24 provided the holder of the certificate presents to the department
25 proof of application for an extension of the holder's lawful
26 presence in the United States with the federal government.

27 (b) A temporary personal identification certificate issued

1 under this section expires 120 days after the expiration of the
2 expiring certificate.

3 (c) The department may issue a subsequent temporary
4 identification certificate if the holder of the certificate
5 presents to the department information regarding the status of the
6 application for an extension of lawful presence in the United
7 States with the federal government.

8 SECTION 7.07. Section 521.121, Transportation Code, is
9 amended by adding Subsection (c) to read as follows:

10 (c) Except as provided by this subchapter, each driver's
11 license issued by the department:

12 (1) must:

13 (A) be in the same format;

14 (B) have the same appearance and orientation; and

15 (C) contain the same type of information; and

16 (2) may not include any information that this chapter
17 does not reference or require.

18 SECTION 7.08. Section 521.142, Transportation Code, is
19 amended by amending Subsections (a) and (e) and adding Subsection
20 (i) to read as follows:

21 (a) An application for an original license must state the
22 applicant's full name and place and date of birth. This information
23 must be verified by presentation of proof of identity satisfactory
24 to the department. An applicant who is not a citizen of the United
25 States must present to the department documentation issued by the
26 United States agency responsible for citizenship and immigration
27 that authorizes the applicant to be in the United States before the

1 applicant may be issued a driver's license or personal
2 identification certificate. The department must accept [~~as~~
3 ~~satisfactory proof of identity under this subsection~~] an offender
4 identification card or similar form of identification issued to an
5 inmate by the Texas Department of Criminal Justice.

6 (e) The application must include any other information the
7 department requires to determine the applicant's identity,
8 residency, competency, and eligibility as required by the
9 department or state law.

10 (i) The department by rule may establish and implement a
11 process to verify that the applicant resides at the residence
12 address furnished by the applicant. The department may deny
13 issuance of a license to an applicant whose residence address
14 cannot be verified. This subsection does not apply to:

- 15 (1) a person described by Section 521.027; or
16 (2) a person who presents a certificate of
17 homelessness as approved by the federal government.

18 SECTION 7.09. Section 521.1425, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (c) to
20 read as follows:

21 (a) Except as provided by Subsections [~~Subsection~~] (b) and
22 (c), the department may require each applicant for an original,
23 renewal, or duplicate driver's license to furnish to the department
24 the information required by Section 521.142.

25 (c) Unless the information has been previously provided to
26 the department, the department shall require each applicant for an
27 original, renewal, or duplicate driver's license to furnish to the

1 department:

2 (1) proof of the applicant's United States
3 citizenship; or

4 (2) documentation described by Section 521.142(a).

5 SECTION 7.10. Subchapter G, Chapter 521, Transportation
6 Code, is amended by adding Section 521.149 to read as follows:

7 Sec. 521.149. TEMPORARY DRIVER'S LICENSE UPON APPLICATION
8 FOR EXTENDED LAWFUL PRESENCE. (a) The department shall issue a
9 temporary driver's license to the holder of a license which expired
10 because the holder's lawful presence in the United States has
11 expired, provided the holder of the license presents to the
12 department proof of application for an extension of the holder's
13 lawful presence in the United States with the federal government.

14 (b) A temporary driver's license issued under this section
15 expires 180 days after the expiration of the expiring license.

16 (c) The department may issue a subsequent temporary
17 driver's license if the holder of the certificate presents to the
18 department information regarding the status of the application for
19 an extension of lawful presence in the United States with the
20 federal government.

21 SECTION 7.11. Section 521.271, Transportation Code, is
22 amended to read as follows:

23 Sec. 521.271. LICENSE EXPIRATION. (a) Each original
24 driver's license, ~~and~~ provisional license, or occupational
25 license issued to an applicant who is a citizen or legal permanent
26 resident of the United States or a refugee or asylee lawfully
27 admitted into the United States expires as follows:

1 (1) except as provided by Section 521.2711, a driver's
2 license expires on the first birthday of the license holder
3 occurring after the sixth anniversary of the date of the
4 application;

5 (2) a provisional license expires on the earlier of:

6 (A) the 18th birthday of the license holder; or

7 (B) the first birthday of the license holder
8 occurring after the date of the application;

9 (3) an instruction permit expires on the second
10 birthday of the license holder occurring after the date of the
11 application; and

12 (4) an occupational license expires on the first
13 anniversary of the court order granting the license.

14 (a-1) Each original driver's license issued to a person who
15 is not a citizen or legal permanent resident of the United States or
16 a refugee or asylee lawfully admitted into the United States
17 expires on the second anniversary of the date of issuance if there
18 is no definite expiration date for the applicant's authorized stay
19 in the United States or the expiration of the license holder's
20 lawful presence in the United States as determined by the United
21 States agency responsible for citizenship and immigration in
22 compliance with federal law.

23 (a-2) Each provisional license issued to a person who is not
24 a citizen or legal permanent resident of the United States or a
25 refugee or asylee lawfully admitted into the United States expires
26 on the earlier of:

27 (1) the 18th birthday of the license holder;

1 (2) the first birthday of the license holder occurring
2 after the date of the application; or

3 (3) the expiration of the license holder's lawful
4 presence in the United States as determined by the United States
5 agency responsible for citizenship and immigration in compliance
6 with federal law.

7 (b) Except as provided by Section 521.2711, a driver's
8 license that is renewed expires on:

9 (1) the sixth anniversary of the expiration date
10 before renewal if the applicant is a citizen or lawful permanent
11 resident of the United States or a refugee or asylee lawfully
12 admitted into the United States; or

13 (2) for an applicant not described by Subdivision (1):

14 (A) the expiration of the applicant's authorized
15 stay in the United States; or

16 (B) the second anniversary of the date of
17 issuance, if there is no definite expiration date for the
18 applicant's authorized stay in the United States.

19 SECTION 7.12. Section 521.2711, Transportation Code, is
20 amended by adding Subsection (c) to read as follows:

21 (c) Notwithstanding Subsections (a) and (b), an original or
22 renewal driver's license issued to an applicant who is 85 years of
23 age or older and not a citizen or legal permanent resident of the
24 United States or a refugee or asylee lawfully admitted into the
25 United States expires on:

26 (1) the expiration of the applicant's authorized stay
27 in the United States; or

1 (2) the first anniversary of the date of issuance if
2 there is no definite expiration date for the authorized stay in the
3 United States.

4 SECTION 7.13. Section 521.272, Transportation Code, is
5 amended by amending Subsection (c) and adding Subsection (d) to
6 read as follows:

7 (c) Notwithstanding Section 521.271, a driver's license
8 issued under this section, including a renewal, duplicate, or
9 corrected license, expires on:

10 (1) if the license holder is a citizen or legal
11 permanent resident of the United States or a refugee or asylee
12 lawfully admitted into the United States, the first birthday of the
13 license holder occurring after the date of application, except that
14 the initial license issued under this section expires on the second
15 birthday of the license holder occurring after the date of
16 application; or

17 (2) if the applicant is not described by Subdivision
18 (1), on the earlier of:

19 (A) the expiration of the applicant's authorized
20 stay in the United States; or

21 (B) the first birthday of the license holder
22 occurring after the date of application, except that the initial
23 license issued under this section expires on the second birthday of
24 the license holder occurring after the date of application.

25 (d) Subsection (c) [~~This subsection~~] does not apply to:

26 (1) a provisional license;

27 (2) an instruction permit issued under Section

1 521.222; or

2 (3) a hardship license issued under Section 521.223.

3 SECTION 7.14. Section 521.421, Transportation Code, is
4 amended by adding Subsections (a-1) and (a-2) and amending
5 Subsection (c) to read as follows:

6 (a-1) The fee for a driver's license or personal
7 identification certificate that is issued to a person who is not a
8 citizen or legal permanent resident of the United States or a
9 refugee or asylee lawfully admitted into the United States and that
10 is not valid for more than one year is \$15.

11 (a-2) The fee for a temporary driver's license or temporary
12 personal identification certificate that is valid for more than one
13 year is \$15 for the first year and \$10 for each additional year or
14 portion of a year.

15 (c) The fee for issuance or renewal of a provisional license
16 or instruction permit is \$10 [~~\$5~~].

17 SECTION 7.15. Sections 522.021(c) and (c-1),
18 Transportation Code, are amended to read as follows:

19 (c) The application must meet the requirements of an
20 application under Sections [~~Section~~] 521.141, 521.142, and
21 521.1425 and [~~must~~] be accompanied by the fee required under
22 Section 522.029. The department may require documentary evidence
23 to verify the information required by this section [~~Subsection~~
24 ~~(a)~~].

25 (c-1) If the department requires proof of an applicant's
26 identity as part of an application under this section, the
27 department must accept [~~as satisfactory proof of identity~~] an

1 offender identification card or similar form of identification
2 issued to an inmate by the Texas Department of Criminal Justice.

3 SECTION 7.16. Section 522.029, Transportation Code, is
4 amended by amending Subsection (a) and adding Subsections (k), (l),
5 and (m) to read as follows:

6 (a) The fee for a commercial driver's license or commercial
7 driver learner's permit issued by the department is \$60, except as
8 provided by Subsections (f), (h), ~~(and)~~ (j), (k), (l), and (m).

9 (k) The fee for a commercial driver's license or a
10 nonresident commercial driver's license that is issued to a person
11 who is not a citizen or legal permanent resident of the United
12 States or a refugee or asylee lawfully admitted into the United
13 States and that is not valid for more than one year is \$100.

14 (l) The fee for a temporary commercial driver's license or a
15 nonresident commercial driver's license that is issued in
16 compliance with federal law to a person who is not a citizen or
17 legal permanent resident of the United States or a refugee or asylee
18 lawfully admitted into the United States and that is valid for more
19 than one year is \$100 for the first year and \$25 for each additional
20 year or portion of a year.

21 (m) The fee for a temporary nonresident commercial driver's
22 license is \$100.

23 SECTION 7.17. Section 522.029(f), Transportation Code, as
24 added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature,
25 Regular Session, 1997, is relettered as Subsection (f-1) to read as
26 follows:

27 (f-1) [~~f~~] If a commercial driver's license or commercial

1 driver learner's permit includes an authorization to operate a
2 motorcycle or moped, the fee for the driver's license or permit is
3 increased by \$10 [~~\$8~~].

4 SECTION 7.18. Section 522.030, Transportation Code, is
5 amended to read as follows:

6 Sec. 522.030. CONTENT OF LICENSE. (a) A commercial
7 driver's license must:

8 (1) be marked "Commercial Driver License" or "CDL";

9 (2) be, to the extent practicable, tamper-proof; and

10 (3) include:

11 (A) the name and mailing address of the person to
12 whom it is issued;

13 (B) the person's color photograph;

14 (C) a physical description of the person,
15 including sex, height, and eye color;

16 (D) the person's date of birth;

17 (E) a number or identifier the department
18 considers appropriate;

19 (F) the person's signature;

20 (G) each class of commercial motor vehicle that
21 the person is authorized to drive, with any endorsements or
22 restrictions;

23 (H) the name of this state; and

24 (I) the dates between which the license is valid.

25 (b) Except as provided by this subchapter, each commercial
26 driver's license issued by the department:

27 (1) must:

1 (A) be in the same format;

2 (B) have the same appearance and orientation; and

3 (C) contain the same type of information; and

4 (2) may not include any information that this chapter
5 does not reference or require.

6 (c) To the extent of a conflict or inconsistency between
7 this section and Section 522.013 or 522.051, Section 522.013 or
8 522.051 controls.

9 SECTION 7.19. Subchapter C, Chapter 522, Transportation
10 Code, is amended by adding Section 522.035 to read as follows:

11 Sec. 522.035. TEMPORARY COMMERCIAL DRIVER'S LICENSE. (a)
12 This section applies only to an applicant for a renewal commercial
13 driver's license whose commercial driver's license expired because
14 the person's authorization to lawfully be in the United States
15 expired.

16 (b) If the applicant provides evidence satisfactory to the
17 department that the person has applied to the federal agency
18 responsible for citizenship and immigration for a renewal of the
19 person's authorization to be in the United States and otherwise
20 qualifies for the driver's license, the department shall issue the
21 applicant a temporary commercial driver's license.

22 (c) A temporary commercial driver's license issued under
23 Subsection (b) expires on the 180th day after the date the most
24 recent commercial driver's license issued to the person expired.

25 SECTION 7.20. Section 522.033(b), Transportation Code, is
26 amended to read as follows:

27 (b) Notwithstanding Section 522.051, a commercial driver's

1 license or commercial driver learner's permit issued under this
2 section, including a renewal, duplicate, or corrected license,
3 expires:

4 (1) if the license or permit holder is a citizen or
5 legal permanent resident of the United States or a refugee or asylee
6 lawfully admitted into the United States, on the second [~~first~~]
7 birthday of the license holder occurring after the date of
8 application, except that the initial license issued under this
9 section expires on the second birthday of the license holder
10 occurring after the date of application; or

11 (2) if the applicant is not described by Subdivision
12 (1), on the earlier of:

13 (A) the expiration of the applicant's authorized
14 stay in the United States; or

15 (B) on the first birthday of the license holder
16 occurring after the date of application, except that the initial
17 license used under this section expires on the second birthday of
18 the license holder occurring after the date of application.

19 SECTION 7.21. Section 522.052, Transportation Code, is
20 amended by adding Subsection (h) to read as follows:

21 (h) Unless the information has been previously provided to
22 the department, the department shall require each applicant for a
23 renewal or duplicate commercial driver's license to furnish to the
24 department:

25 (1) proof of the applicant's United States
26 citizenship; or

27 (2) documentation described by Section 521.142(a).

1 SECTION 7.22. Section 522.029(j), Transportation Code, as
2 added by Chapter 1319 (S.B. 1260), Acts of the 80th Legislature,
3 Regular Session, 2007, is repealed.

4 SECTION 7.23. The changes in law made by this article apply
5 only to a driver's license, personal identification certificate,
6 commercial driver's license, or commercial driver learner's permit
7 issued or renewed on or after the effective date of this article. A
8 driver's license, personal identification certificate, commercial
9 driver's license, or commercial driver learner's permit issued or
10 renewed before the effective date of this article is governed by the
11 law in effect when the license, certificate, or permit was issued,
12 and the former law is continued in effect for that purpose.

13 SECTION 7.24. This article takes effect September 1, 2009.

14 ARTICLE 8. EFFECTIVE DATE

15 SECTION 8.01. Except as otherwise provided by this Act,
16 this Act takes effect immediately if it receives a vote of
17 two-thirds of all the members elected to each house, as provided by
18 Section 39, Article III, Texas Constitution. If this Act does not
19 receive the vote necessary for immediate effect, this Act takes
20 effect September 1, 2009.