

1 AN ACT

2 relating to municipal regulation of the use of alarm systems;  
3 authorizing a municipal fee.

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

5 SECTION 1. The heading to Subchapter F, Chapter 214, Local  
6 Government Code, is amended to read as follows:

7 SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN CERTAIN MUNICIPALITIES  
8 WHOLLY LOCATED IN CERTAIN COUNTIES

9 SECTION 2. Subchapter F, Chapter 214, Local Government  
10 Code, is amended by adding Section 214.1915 to read as follows:

11 Sec. 214.1915. APPLICABILITY. This subchapter applies only  
12 to a municipality with a population of less than 100,000 that is  
13 located wholly in a county with a population of less than 500,000.

14 SECTION 3. Chapter 214, Local Government Code, is amended  
15 by adding Subchapter F-1 to read as follows:

16 SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN LARGE MUNICIPALITIES AND  
17 MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN LARGE COUNTIES

18 Sec. 214.201. DEFINITIONS. In this subchapter:

19 (1) "Alarm system" and "permit" have the meanings  
20 assigned by Section 214.191.

21 (2) "Alarm systems monitor" means a person who acts as  
22 an alarm systems company under Section 1702.105, Occupations Code.

23 (3) "False alarm" means a notification of possible  
24 criminal activity reported to law enforcement:

1           (A) that is based solely on electronic  
2 information remotely received by an alarm systems monitor;

3           (B) that is uncorroborated by eyewitness, video,  
4 or photographic evidence that an emergency exists; and

5           (C) concerning which an agency of the  
6 municipality has verified that no emergency exists after an on-site  
7 inspection of the location from which the notification originated.

8           Sec. 214.2015. APPLICABILITY. This subchapter does not  
9 apply to a municipality to which Subchapter F applies.

10          Sec. 214.202. CATEGORIES OF ALARM SYSTEMS. The category of  
11 alarm system to be regulated is burglary.

12          Sec. 214.203. DURATION OF MUNICIPAL PERMIT. (a) If a  
13 municipality adopts an ordinance that requires a person to obtain a  
14 permit from the municipality before a person may use an alarm system  
15 in the municipality, the ordinance must provide that the permit is  
16 valid for at least one year.

17          (b) This requirement does not affect the authority of the  
18 municipality to:

19               (1) revoke, suspend, or otherwise affect the duration  
20 of a permit for disciplinary reasons at any time during the period  
21 for which the permit is issued; or

22               (2) make a permit valid for a period of less than one  
23 year if necessary to conform the permit to the termination schedule  
24 established by the municipality for permits.

25          Sec. 214.204. MUNICIPAL PERMIT FEE GENERALLY. (a) If a  
26 municipality adopts an ordinance that requires a person to pay an  
27 annual fee to obtain a permit from the municipality before the

1 person may use an alarm system in the municipality, the fee shall be  
2 used for the general administration of this subchapter, including  
3 the provision of responses generally required to implement this  
4 subchapter other than specific responses to false alarms.

5 (b) A municipal permit fee imposed under this section for an  
6 alarm system may not exceed the rate of:

7 (1) \$50 a year for a residential location; and

8 (2) \$250 a year for other alarm system locations.

9 Sec. 214.205. NONRENEWAL OR REVOCATION OF PERMIT;  
10 TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED. (a)  
11 Except as provided by Subsection (d), a municipality may not  
12 terminate its law enforcement response to a residential permit  
13 holder because of excess false alarms if the false alarm fees are  
14 paid in full.

15 (b) In permitting free false alarm responses and in setting  
16 false alarm fees, a municipality must administer any ordinance on a  
17 fair and equitable basis as determined by the governing body.

18 (c) A municipality may not terminate an alarm permit for  
19 nonrenewal without providing at least 30 days' notice.

20 (d) A municipality may revoke or refuse to renew the permit  
21 of an alarm system that has had eight or more false alarms during  
22 the preceding 12-month period.

23 Sec. 214.2055. MULTIUNIT HOUSING FACILITIES. (a) A  
24 municipality may not refuse to issue an alarm system permit for a  
25 residential location solely because the residential location is an  
26 individual residential unit located in a multiunit housing  
27 facility.

1       (b) In issuing an alarm system permit for an alarm installed  
2 in an individual residential unit of a multiunit housing facility,  
3 the municipality shall issue the permit to the person occupying the  
4 individual residential unit.

5       (c) A municipality may impose a penalty under Section  
6 214.207 for the signaling of a false alarm on the premises of a  
7 multiunit housing facility for a facility other than an individual  
8 residential unit only if the permit holder is notified of:

9           (1) the date of the signaling of the false alarm;

10          (2) the address of the multiunit housing facility  
11 where the signaling of the false alarm occurred; and

12          (3) the identification of the individual facility, if  
13 applicable, located on the multiunit housing facility premises  
14 where the signaling of the false alarm occurred.

15       Sec. 214.206. ON-SITE INSPECTION REQUIRED. A municipality  
16 may not consider a false alarm to have occurred unless a response is  
17 made by an agency of the municipality within a reasonable time and  
18 the agency determines from an inspection of the interior or  
19 exterior of the premises that the alarm report by an alarm systems  
20 monitor was false.

21       Sec. 214.207. PENALTIES FOR FALSE ALARMS. (a) A  
22 municipality may impose a penalty on a person who uses an alarm  
23 system in the municipality for the report of a false alarm by an  
24 alarm systems monitor if at least three other false alarms have  
25 occurred at that location during the preceding 12-month period.  
26 The amount of the penalty for the report of a false alarm as  
27 described by Section 214.206 may not exceed:

1           (1) \$50, if the location has had more than three but  
2 fewer than six other false alarms in the preceding 12-month period;

3           (2) \$75, if the location has had more than five but  
4 fewer than eight other false alarms in the preceding 12-month  
5 period; or

6           (3) \$100, if the location has had eight or more other  
7 false alarms in the preceding 12-month period.

8           (b) A municipality may not impose a penalty authorized under  
9 Subsection (a) if reasonable visual proof of possible criminal  
10 activity recorded by an alarm systems monitor is provided to the  
11 municipality before the inspection of the premises by an agency of  
12 the municipality.

13           (c) A municipality that adopts an ordinance requiring a  
14 person to obtain a permit from the municipality before the person  
15 may use an alarm system in the municipality may impose a penalty,  
16 not to exceed \$250, for the report of a false alarm by an alarm  
17 systems monitor on a person who has not obtained a permit for the  
18 alarm system as required by the municipal ordinance.

19           (d) A municipality:

20           (1) may impose a penalty, not to exceed \$250, for the  
21 report of a false alarm on a person not licensed under Chapter 1702,  
22 Occupations Code, that to any extent is reported or facilitated by  
23 the unlicensed person; and

24           (2) may not impose a penalty for the report of a false  
25 alarm on a person licensed under Chapter 1702, Occupations Code.

26           (e) A municipality may not impose or collect any fine, fee,  
27 or penalty, other than collection fees, related to a false alarm or

1 alarm system unless the fine, fee, or penalty is defined in the  
2 ordinance in accordance with this subchapter.

3 Sec. 214.208. PROCEDURES FOR REDUCING FALSE ALARMS. A  
4 municipality may require an alarm systems monitor to attempt to  
5 contact the occupant of the alarm system location twice before the  
6 municipality responds to the alarm signal.

7 Sec. 214.209. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM  
8 RESPONSE. (a) The governing body of a municipality may not adopt  
9 an ordinance providing that law enforcement personnel of the  
10 municipality will not respond to any alarm signal indicated by an  
11 alarm system in the municipality unless, before adopting the  
12 ordinance, the governing body of the municipality:

13 (1) makes reasonable efforts to notify permit holders  
14 of its intention to adopt the ordinance; and

15 (2) conducts a public hearing at which persons  
16 interested in the response of the municipality to alarm systems are  
17 given the opportunity to be heard.

18 (b) A municipality that adopts an ordinance under this  
19 section may not impose or collect any fine, fee, or penalty  
20 otherwise authorized by this subchapter.

21 (c) A municipality that adopts or proposes to adopt an  
22 ordinance under this section may notify permit holders that a  
23 permit holder may contract with a security services provider  
24 licensed by the Texas Private Security Board under Chapter 1702,  
25 Occupations Code, to respond to an alarm. The notice, if given,  
26 must include the board's telephone number and Internet website  
27 address.

1       Sec. 214.210. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED;  
2 LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this  
3 subchapter:

4           (1) affects the priority or level of response provided  
5 by a municipality to a permitted location; or

6           (2) waives the governmental immunity provided by law  
7 for a municipality.

8       (b) A municipality that does not respond to an alarm system  
9 signal is not liable for damages that may occur relating to the  
10 cause of the alarm system signal.

11       Sec. 214.2105. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER.

12 (a) A property owner or an agent of the property owner authorized  
13 to make decisions regarding the use of the property may elect to  
14 exclude the municipality from receiving an alarm signal by an alarm  
15 system located on the owner's property. A municipality may adopt an  
16 ordinance that specifies the requirements a property owner must  
17 satisfy for an election to be made under this section.

18       (b) If an election is made under Subsection (a), the  
19 municipality:

20           (1) may not impose a fee to obtain a permit to use the  
21 alarm system;

22           (2) may impose a fee on the property owner, not to  
23 exceed \$250, for each law enforcement response to a signal from the  
24 alarm system requested by an alarm systems monitor; and

25           (3) may not impose or collect any other fine, penalty,  
26 or fee, other than a collection fee, related to the alarm system.

27       SECTION 4. With respect to a municipality subject to

1 Subchapter F-1, Chapter 214, Local Government Code, as added by  
2 this Act, that on the effective date of this Act is a party to a  
3 contract with a third party to provide alarm system services, the  
4 changes in law made by this Act apply beginning after the date the  
5 contract, including any renewals, is terminated or expires by the  
6 contract's own terms. During the period a contract described by  
7 this section is effective, the municipality described by this  
8 section is governed by the law in effect immediately before the  
9 effective date of this Act, and the former law is continued in  
10 effect for that purpose.

11 SECTION 5. This Act takes effect September 1, 2015.



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President of the Senate

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Speaker of the House

I certify that H.B. No. 2162 was passed by the House on May 8, 2015, by the following vote: Yeas 120, Nays 19, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2162 on May 31, 2015, by the following vote: Yeas 124, Nays 20, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2162 was passed by the Senate, with amendments, on May 27, 2015, by the following vote: Yeas 27, Nays 4.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor