

1-1 By: Simmons (Senate Sponsor - Campbell) H.B. No. 2162  
 1-2 (In the Senate - Received from the House May 11, 2015;  
 1-3 May 13, 2015, read first time and referred to Committee on  
 1-4 Intergovernmental Relations; May 25, 2015, reported adversely,  
 1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
 1-6 Nays 0; May 25, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2162 By: Campbell

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

1-19 relating to municipal regulation of the use of alarm systems;  
 1-20 authorizing a municipal fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 214.191, Local Government Code, is  
 1-23 amended to read as follows:

1-24 Sec. 214.191. DEFINITIONS. In this subchapter:

1-25 (1) "Alarm system" means a device or system that  
 1-26 transmits a signal intended to summon police of a municipality in  
 1-27 response to a burglary. The term includes an alarm that emits an  
 1-28 audible signal on the exterior of a structure. The term does not  
 1-29 include an alarm installed on a vehicle, unless the vehicle is used  
 1-30 for a habitation at a permanent site, or an alarm designed to alert  
 1-31 only the inhabitants within the premises.

1-32 (2) "Alarm systems monitor" means a person who acts as  
 1-33 an alarm systems company under Section 1702.105, Occupations Code.

1-34 (3) "False alarm" means a notification of possible  
 1-35 criminal activity reported to law enforcement:

1-36 (A) that is based solely on electronic  
 1-37 information remotely received by an alarm systems monitor;

1-38 (B) that is uncorroborated by eyewitness, video,  
 1-39 or photographic evidence that an emergency exists; and

1-40 (C) concerning which an agency of the  
 1-41 municipality has verified that no emergency exists after an on-site  
 1-42 inspection of the location from which the notification originated.

1-43 (4) [~~(2)~~] "Permit" means a certificate, license,  
 1-44 permit, or other form of permission that authorizes a person to  
 1-45 engage in an action.

1-46 SECTION 2. Section 214.194(b), Local Government Code, is  
 1-47 amended to read as follows:

1-48 (b) A municipal permit fee imposed under this section for an  
 1-49 alarm system may not exceed the rate of:

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

1-51 (2) \$250 a year for other alarm system locations.

1-52 SECTION 3. The heading to Section 214.195, Local Government  
 1-53 Code, is amended to read as follows:

1-54 Sec. 214.195. NONRENEWAL OR REVOCATION OF PERMIT; [~~AND~~]  
 1-55 TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.

1-56 SECTION 4. Section 214.195, Local Government Code, is  
 1-57 amended by amending Subsection (a) and adding Subsection (e) to  
 1-58 read as follows:

1-59 (a) Except as provided in Subsections [~~Subsection~~] (d) and  
 1-60 (e), a municipality may not terminate its law enforcement response

2-1 to a residential permit holder because of excess false alarms if the  
2-2 false alarm fees are paid in full.

2-3 (e) A municipality may refuse to respond to a location if  
2-4 the location has had more than eight other false alarms during the  
2-5 preceding 12-month period.

2-6 SECTION 5. Section 214.196, Local Government Code, is  
2-7 amended to read as follows:

2-8 Sec. 214.196. ON-SITE INSPECTION REQUIRED. A municipality  
2-9 may not consider a false alarm to have occurred unless a response is  
2-10 made by an agency of the municipality within a reasonable time [~~30~~  
2-11 ~~minutes of the alarm notification~~] and the agency determines from  
2-12 an inspection of the interior or exterior of the premises that the  
2-13 alarm report by an alarm systems monitor was false.

2-14 SECTION 6. Section 214.197, Local Government Code, is  
2-15 amended to read as follows:

2-16 Sec. 214.197. PENALTIES FOR FALSE ALARMS. (a) A  
2-17 municipality may impose a penalty on a person who uses an alarm  
2-18 system in the municipality for the report [~~signaling~~] of a false  
2-19 alarm by an alarm systems monitor [~~a burglar alarm system~~] if at  
2-20 least three other false alarms have occurred at that location  
2-21 during the preceding 12-month period. The amount of the penalty for  
2-22 the report [~~signaling~~] of a false alarm as described by Section  
2-23 214.196 may not exceed:

2-24 (1) \$50, if the location has had more than three but  
2-25 fewer than six other false alarms in the preceding 12-month period;

2-26 (2) \$75, if the location has had more than five but  
2-27 fewer than eight other false alarms in the preceding 12-month  
2-28 period; or

2-29 (3) \$100, if the location has had eight or more other  
2-30 false alarms in the preceding 12-month period.

2-31 (b) A municipality may not impose a penalty authorized under  
2-32 Subsection (a) if reasonable visual proof of possible criminal  
2-33 activity recorded by an alarm systems monitor is provided to the  
2-34 municipality before the inspection of the premises by an agency of  
2-35 the municipality.

2-36 (c) A municipality that adopts an ordinance requiring a  
2-37 person to obtain a permit from the municipality before the person  
2-38 may use an alarm system in the municipality may impose a penalty,  
2-39 not to exceed \$250, for the report of a false alarm by an alarm  
2-40 systems monitor on a person who has not obtained a permit for the  
2-41 alarm system as required by the municipal ordinance.

2-42 (d) A municipality:

2-43 (1) may impose a penalty, not to exceed \$250, for the  
2-44 report of a false alarm on a person not licensed under Chapter 1702,  
2-45 Occupations Code, that to any extent is reported or facilitated by  
2-46 the unlicensed person; and

2-47 (2) may not impose a penalty for the report of a false  
2-48 alarm on a person licensed under Chapter 1702, Occupations Code.

2-49 (e) A municipality may not impose or collect any fine, fee,  
2-50 or penalty related to a false alarm or alarm system unless the fine,  
2-51 fee, or penalty is defined in the ordinance in accordance with this  
2-52 subchapter.

2-53 SECTION 7. The heading to Section 214.198, Local Government  
2-54 Code, is amended to read as follows:

2-55 Sec. 214.198. PROCEDURES FOR REDUCING FALSE ALARMS  
2-56 [VERIFICATION].

2-57 SECTION 8. Section 214.200(b), Local Government Code, is  
2-58 amended to read as follows:

2-59 (b) A municipality that does not respond to an alarm system  
2-60 signal is not liable for damages that may occur relating to the  
2-61 cause of the alarm system signal.

2-62 SECTION 9. Subchapter F, Chapter 214, Local Government  
2-63 Code, is amended by adding Section 214.201 to read as follows:

2-64 Sec. 214.201. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER.

2-65 (a) A property owner or an agent of the property owner authorized  
2-66 to make decisions regarding the use of the property may elect to  
2-67 exclude the municipality from receiving an alarm signal by an alarm  
2-68 system located on the owner's property. A municipality may adopt an  
2-69 ordinance that specifies the requirements a property owner must

3-1 satisfy for an election to be made under this section.  
 3-2 (b) If an election is made under Subsection (a), the  
 3-3 municipality:  
 3-4 (1) may not impose a fee to obtain a permit to use the  
 3-5 alarm system;  
 3-6 (2) may impose a fee on the property owner, not to  
 3-7 exceed \$250, for each law enforcement response to a signal from the  
 3-8 alarm system requested by an alarm systems monitor; and  
 3-9 (3) may not impose or collect any other fine, penalty,  
 3-10 or fee, other than a collection fee, related to the alarm system.

3-11 SECTION 10. With respect to a municipality that on the  
 3-12 effective date of this Act is a party to a contract with a third  
 3-13 party to provide alarm system services, the changes in law made by  
 3-14 this Act apply beginning after the date the contract, including any  
 3-15 renewals, is terminated or expires by the contract's own terms.  
 3-16 During the period a contract described by this section is  
 3-17 effective, the municipality is governed by the law in effect  
 3-18 immediately before the effective date of this Act, and the former  
 3-19 law is continued in effect for that purpose.

3-20 SECTION 11. This Act takes effect immediately if it  
 3-21 receives a vote of two-thirds of all the members elected to each  
 3-22 house, as provided by Section 39, Article III, Texas Constitution.  
 3-23 If this Act does not receive the vote necessary for immediate  
 3-24 effect, this Act takes effect September 1, 2015.

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