

By: Hinojosa

S.B. No. 1017

A BILL TO BE ENTITLED

# 1 AN ACT

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.

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:

17 (2) coordination of the regional offices:

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

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, with the approval  
26 of the governor. The chief [~~director~~] serves at the pleasure of the  
27 public safety 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 governor, or the emergency management council or chief of the  
2 division [~~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 governor or the governor's designee may  
7 determine.

8 PART B. CONFORMING AMENDMENTS REFLECTING DIVISION'S NAME CHANGE

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

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

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

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

1 provided under Chapter 501, Labor Code, in the same manner as an  
2 employee, as defined by Section 501.001, Labor Code.

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

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

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

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

22 SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

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

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

1 assistance from the fund.

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

4 (a) The Homeland Security Council is composed of the  
5 governor or the governor's designee and one representative of each  
6 of the following entities, appointed by the single statewide  
7 elected or appointed governing officer, administrative head, or  
8 chair, as appropriate, of the entity:

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

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1 (18) House Committee on Defense Affairs and  
2 State-Federal Relations;  
3 (19) Texas Animal Health Commission;  
4 (20) Texas Association of Regional Councils;  
5 (21) Texas Commission on Law Enforcement Officer  
6 Standards and Education;  
7 (22) state fire marshal's office;  
8 (23) Texas Education Agency;  
9 (24) Texas Commission on Fire Protection;  
10 (25) Parks and Wildlife Department;  
11 (26) Texas Forest Service; and  
12 (27) Texas Water Development Board.

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

15 (b) The number of certified disaster service volunteers who  
16 are eligible for leave under this section may not exceed 350 state  
17 employees at any one time during a fiscal year. The Texas Division  
18 of Emergency Management [~~division of emergency management in the~~  
19 ~~governor's office~~] shall coordinate the establishment and  
20 maintenance of the list of eligible employees.

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

23 (b) The number of amateur radio operators who are eligible  
24 for leave under this section may not exceed 350 state employees at  
25 any one time during a state fiscal year. The Texas Division of  
26 Emergency Management [division of emergency management in the  
27 ~~governor's office~~] shall coordinate the establishment and

1 maintenance of the list of eligible employees.

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

4 (5) "Employee" means a person who is:

5 (A) in the service of the state pursuant to an  
6 election, appointment, or express oral or written contract of hire;

7 (B) paid from state funds but whose duties  
8 require that the person work and frequently receive supervision in  
9 a political subdivision of the state;

10 (C) a peace officer employed by a political  
11 subdivision, while the peace officer is exercising authority  
12 granted under:

13 (i) Article 2.12, Code of Criminal  
14 Procedure; or

15 (ii) Articles 14.03(d) and (g), Code of  
16 Criminal Procedure;

17 (D) a member of the state military forces, as  
18 defined by Section 431.001, Government Code, who is engaged in  
19 authorized training or duty; or

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

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

27 (a) The chief [~~coordinator~~] of the Texas Division of

1    Emergency Management ~~[division of emergency management of the~~  
2 ~~office of the governor]~~ is the state drought manager. The state  
3 drought manager is responsible for managing and coordinating the  
4 drought response component of the state water plan.

5                (b) The drought preparedness council is created and shall  
6 meet as necessary to carry out the provisions of this section. The  
7 council is composed of one representative from each of the  
8 following entities, appointed by the administrative head of that  
9 entity:

10                (1) the Texas Division of Emergency Management  
11 ~~[division of emergency management of the office of the governor]~~;  
12                (2) the board;  
13                (3) the commission;  
14                (4) the Parks and Wildlife Department;  
15                (5) the Department of Agriculture;  
16                (6) the Texas AgriLife ~~[Agricultural]~~ Extension  
17 Service;  
18                (7) the State Soil and Water Conservation Board;  
19                (8) the Texas Department of Housing and Community  
20 Affairs;  
21                (9) the Texas Forest Service;  
22                (10) the Texas Department of Transportation;  
23                (11) the Texas Department of Economic Development; and  
24                (12) a representative of groundwater management  
25 interests who is appointed by the governor.

26                SECTION 2B.11. Section 1(3), Chapter 350 (S.B. 1101), Acts  
27 of the 71st Legislature, Regular Session, 1989 (Article 6419c,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

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

5 SECTION 2B.12. A reference in law or a rule to the  
6 "governor's division of emergency management" or the "division of  
7 emergency management in the office of the governor" means the Texas  
8 Division of Emergency Management in the Department of Public Safety  
9 of the State of Texas.

10 ARTICLE 3. ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE FOR  
11 INTOXICATION OFFENSES

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

15 (d) An affidavit from an expert witness [~~a person~~] whose  
16 presence is timely requested [~~under this section~~] is inadmissible  
17 if the expert witness [~~person~~] fails to appear at a hearing without  
18 a showing of good cause. Otherwise, an affidavit under this section  
19 may be submitted in lieu of an appearance at the hearing by the  
20 [~~breath test operator, breath test technical supervisor, or~~] expert  
21 witness.

22 (e) An affidavit from a breath test operator or breath test  
23 technical supervisor is admissible unless the judge determines that  
24 justice requires the breath test operator or breath test technical  
25 supervisor to be present.

26 SECTION 3.02. Section 524.039, Transportation Code, is  
27 amended to read as follows:

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

15                   (b) The department may reschedule a hearing once not less  
16 than 48 hours before the hearing if a [~~the~~] person subpoenaed  
17 [~~requested to attend~~] under Subsection (a) is unavailable. The  
18 department may also reschedule the hearing on showing good cause  
19 that a [~~the~~] person subpoenaed [~~requested~~] under Subsection (a) is  
20 not available at the time of the hearing.

21                   ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

22                   SECTION 4.01. Section 1702.002, Occupations Code, is  
23 amended by amending Subdivisions (2), (3), (5), (11), (12), (13),  
24 (17), (19), (20), and (21) and adding Subdivision (6-b) to read as  
25 follows:

26                   (2) "Branch office" means an office that is:  
27                           (A) identified to the public as a place from

1 which business is conducted, solicited, or advertised; and  
2 (B) at a place other than the principal place of  
3 business as shown in board [~~commission~~] records.

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

7 (5) "Commissioned security officer" means a security  
8 officer to whom a security officer commission has been issued by the  
9 board [~~commission~~].

10 (6-b) "Endorsement" means a permit entitling an  
11 individual holding a registration to perform a service regulated by  
12 this chapter for an appropriately licensed company.

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

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

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

22 (17) "Personal protection officer endorsement  
23 [~~authorization~~]" means a permit issued by the board [~~commission~~]  
24 that entitles an individual to act as a personal protection  
25 officer.

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

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

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

6 SECTION 4.02. Section 1702.004, Occupations Code, is  
7 amended to read as follows:

8                   Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The board,  
9 in addition to performing duties required by other law or  
10 exercising powers granted by other law:

11 (1) licenses investigations companies and security  
12 services contractors:

13 (2) issues commissions to certain security officers;

14 (3) issues endorsements [authorizations] to certain  
15 security officers engaged in the personal protection of  
16 individuals;

17 (4) registers and endorses:

18 (A) certain individuals connected with a license  
19 holder; and

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

22 (5) regulates license holders, security offic

23 [and] registrants, and endorsement holders under this chapter.

24 (b) The board shall adopt rules necessary to comply with

25 Chapter 53 [does not apply to this chapter or to any licensing,

26 regulatory, or disciplinary determinations made under this

27 chapter]. In its rules under this section, the board shall list the

1 specific offenses for each category of regulated persons for which  
2 a conviction would constitute grounds for the board to take action  
3 under Section 53.021.

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

6 SUBCHAPTER B. TEXAS [COMMISSION] PRIVATE SECURITY BOARD

7 SECTION 4.04. Section 1702.021, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1702.021. BOARD [COMMISSION] MEMBERSHIP. (a) The  
10 Texas Private Security Board consists of seven members appointed by  
11 the governor with the advice and consent of the senate as follows:

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

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

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

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

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

23 (c) On presentation by a board [commission] member of the  
24 constitutional oath taken by the member, together with the  
25 certificate of appointment, the secretary of state shall issue a  
26 commission to the member as evidence of the member's authority to  
27 act as a board [commission] member.

1 SECTION 4.05. Section 1702.023, Occupations Code, is  
2 amended to read as follows:

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

7 (1) is registered, commissioned, certified, or  
8 licensed by a regulatory agency in the field of private  
9 investigations or private security;

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

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

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

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

23 (b) A person may not be a board [~~commission~~] member and may  
24 not be a board [~~commission~~] employee employed in a "bona fide  
25 executive, administrative, or professional capacity," as that  
26 phrase is used for purposes of establishing an exemption to the  
27 overtime provisions of the federal Fair Labor Standards Act of 1938

1 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

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

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

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

13                  SECTION 4.07. Section 1702.027, Occupations Code, is  
14 amended to read as follows:

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

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

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

21                   (3) is ineligible for membership under Section  
22 1702.023 or 1702.024;

23                   (4) cannot, because of illness or disability,  
24 discharge the member's duties for a substantial part of the member's  
25 term; or

26                   (5) is absent from more than half of the regularly  
27 scheduled board [commission] meetings that the member is eligible

1 to attend during a calendar year without an excuse approved by a  
2 majority vote of the board [~~commission~~].

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

6 (c) If the director has knowledge that a potential ground  
7 for removal exists, the director shall notify the presiding officer  
8 of the board [~~commission~~] of the potential ground. The presiding  
9 officer shall then notify the governor and the attorney general  
10 that a potential ground for removal exists. If the potential ground  
11 for removal involves the presiding officer, the director shall  
12 notify the next highest ranking officer of the board [~~commission~~],  
13 who shall then notify the governor and the attorney general that a  
14 potential ground for removal exists.

15 SECTION 4.08. Section 1702.028, Occupations Code, is  
16 amended to read as follows:

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

21 (b) A member is entitled to reimbursement for travel  
22 [~~transportation~~] expenses incurred while conducting board  
23 business, including expenses for transportation, meals, and  
24 lodging, as prescribed by the General Appropriations Act. [~~A~~  
25 ~~member may not receive compensation for travel expenses, including~~  
26 ~~expenses for meals and lodging, other than transportation~~  
27 ~~expenses.~~]

1 SECTION 4.09. Section 1702.029, Occupations Code, is  
2 amended to read as follows:

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

5 SECTION 4.10. Section 1702.030, Occupations Code, is  
6 amended to read as follows:

7 Sec. 1702.030. TRAINING. (a) A person who is appointed to  
8 and qualifies for office as a board [~~commission~~] member may not  
9 vote, deliberate, or be counted as a member in attendance at a board  
10 [~~commission~~] meeting until the person completes a training program  
11 that complies with this section.

12 (b) The training program must provide the person with  
13 information regarding:

14 (1) this chapter;

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

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

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

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

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

23 (7) the requirements of:

24 (A) the open meetings law, Chapter 551,  
25 Government Code;

26 (B) the public information law, Chapter 552,  
27 Government Code;

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1 (c) the administrative procedure law, Chapter  
2 2001. Government Code; and

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

5 (8) any applicable ethics policies adopted by the  
6 board [commission] or the Texas Ethics Commission.

12 SECTION 4.11. Section 1702.041, Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.041. DIRECTOR. (a) The director is the chief  
15 administrator of the board [~~commission~~]. The director shall  
16 perform duties as prescribed by the board [~~commission~~].

17 (b) The director is a full-time employee of the board  
18 [commission]. A board [commission] member may not serve as  
19 director.

20 SECTION 4.12. Section 1702.042, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.042. PERSONNEL; CONFLICT OF INTEREST. An  
23 employee of the board [commission] may not:

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

27 (2) be licensed under this chapter.

1 SECTION 4.13. Section 1702.043, Occupations Code, is  
2 amended to read as follows:

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

8 SECTION 4.14. Section 1702.044, Occupations Code, is  
9 amended to read as follows:

10 Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT  
11 INFORMATION. The director or the director's designee shall provide  
12 to board [~~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 4.15. Section 1702.045(b), Occupations Code, is  
18 amended to read as follows:

19 (b) The director or the director's designee shall develop a  
20 system of annual performance evaluations. All merit pay for board  
21 [~~commission~~] employees must be based on the system established  
22 under this subsection.

23 SECTION 4.16. Section 1702.046(a), Occupations Code, is  
24 amended to read as follows:

25 (a) The director or the director's designee shall prepare  
26 and maintain a written policy statement that implements an equal  
27 employment opportunity program to ensure that all personnel

1 decisions are made without regard to race, creed, color,  
2 disability, sex, religion, age, or national origin. The policy  
3 statement must include:

4 (1) personnel policies, including policies related to  
5 recruitment, evaluation, selection, training, and promotion of  
6 personnel, that show the intent of the board [commission] to avoid  
7 the unlawful employment practices described by Chapter 21, Labor  
8 Code; and

9 (2) an analysis of the extent to which the composition  
10 of the board's [commission's] personnel is in accordance with  
11 federal and state law and a description of reasonable methods to  
12 achieve compliance with federal and state law.

13 SECTION 4.17. The heading to Subchapter D, Chapter 1702,  
14 Occupations Code, is amended to read as follows:

15 SUBCHAPTER D. POWERS AND DUTIES OF BOARD [COMMISSION]

16 SECTION 4.18. Section 1702.061, Occupations Code, is  
17 amended to read as follows:

18 Sec. 1702.061. GENERAL POWERS AND DUTIES OF BOARD  
19 [COMMISSION]. (a) The board [Texas Commission on Private  
20 Security] shall perform the functions and duties provided by this  
21 chapter.

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

24 (c) The rules and policies adopted by the board [commission]  
25 under Subsection (b) must be consistent with this chapter and other  
26 board [commission] rules adopted under this chapter and with any  
27 other applicable law, state rule, or federal regulation.

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

2                   (1) determine the qualifications of license holders,

3 registrants, endorsement holders, and commissioned security

4 officers;

5                   (2) investigate alleged violations of this chapter and

6 of board [commission] rules;

7                   (3) adopt rules necessary to implement this chapter;

8 and

9                   (4) establish and enforce standards governing the

10 safety and conduct of each person licensed, registered, or

11 commissioned under this chapter.

12                   (e) The board [commission] shall have a seal in the form

13 prescribed by the board [commission].

14                   (f) The board [commission] may commission investigators who

15 are employed full-time by the board [commission] as peace officers

16 for the limited purpose of assisting the board [commission] in

17 investigating alleged violations of this chapter and of board

18 [commission] rules.

19                   SECTION 4.19. Subchapter D, Chapter 1702, Occupations Code,

20 is amended by adding Section 1702.0612 to read as follows:

21                   Sec. 1702.0612. NEGOTIATED RULEMAKING AND ALTERNATIVE

22 DISPUTE RESOLUTION. (a) The board shall develop and implement a

23 policy to encourage the use of:

24                   (1) negotiated rulemaking procedures under Chapter

25 2008, Government Code, for the adoption of board rules; and

26                   (2) appropriate alternative dispute resolution

27 procedures under Chapter 2009, Government Code, to assist in the

1 resolution of internal and external disputes under the board's  
2 jurisdiction.

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

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

8           (1) coordinate the implementation of the policy  
9 adopted under Subsection (a);

10          (2) serve as a resource for any training needed to  
11 implement the procedures for negotiated rulemaking or alternative  
12 dispute resolution; and

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

15       SECTION 4.20. Section 1702.062, Occupations Code, is  
16 amended to read as follows:

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

[ <del>Class A license</del>	<del>\$350 (original and renewal)</del>
[ <del>Class B license</del>	<del>\$400 (original and renewal)</del>
[ <del>Class C license</del>	<del>\$540 (original and renewal)</del>
[ <del>Class D license</del>	<del>\$400 (original and renewal)</del>

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1	<del>[Reinstate suspended license]</del>	\$150
2	<del>[Assignment of license]</del>	\$150
3	<del>[Change name of license]</del>	\$ 75
4	<del>[Delinquency fee]</del>	—
5	<del>[Branch office certificate and renewal]</del>	\$300
6	<del>[Registration fee for private investigator, manager, branch office manager, locksmith, electronic access control device installer, and alarm systems installer]</del>	\$ 30 (original and renewal)
7	<del>[Registration fee for noncommissioned security officer]</del>	\$ 30
8	<del>(original and renewal)</del>	
9	<del>[Registration fee for security salesperson]</del>	\$ 30
10	<del>[Registration fee for alarm systems monitor]</del>	\$ 30
11	<del>[Registration fee for dog trainer]</del>	\$ 30
12	<del>[Registration fee for owner, officer, partner, or shareholder of a license holder]</del>	\$ 50
13	<del>[Registration fee for security consultant]</del>	\$300
14	<del>[Registration fee for employee of license holder]</del>	\$ 30
15	<del>[Security officer commission fee]</del>	\$ 50
16	<del>(original and renewal)</del>	
17	<del>[School instructor fee]</del>	\$100
18	<del>(original and renewal)</del>	
19	<del>[School approval fee]</del>	\$350
20	<del>(original and renewal)</del>	
21	<del>[Letter of authority fee for private business and political subdivision]</del>	\$400
22	<del>[Letter of authority renewal fee for private business and political subdivision]</del>	\$225

1        ~~Letter of authority fee for commissioned officer,~~  
2 ~~noncommissioned officer, or personal protection officer for~~  
3 ~~political subdivision~~ \$ 10  
4        ~~[FBI fingerprint check~~ \$ 25  
5        ~~[Duplicate pocket card~~ \$ 10  
6        ~~[Employee information update fee~~ \$ 15  
7        ~~[Burglar alarm sellers renewal fee~~ \$ 30  
8        ~~[Personal protection officer authorization~~ \$ 50]  
9        (b) The board ~~[In addition to other fees established under~~  
10 ~~this chapter, the commission]~~ may charge a fee each time the board  
11 ~~[commission]~~ requires a person regulated under this chapter to  
12 resubmit a set of fingerprints for processing by the board  
13 ~~[commission]~~ during the application process for a license,  
14 registration, endorsement, or commission. The Public Safety  
15 Commission, after receiving a recommendation from the board,  
16 ~~[commission]~~ shall set the fee in an amount that is reasonable and  
17 necessary to cover the ~~[commission's]~~ administrative expenses  
18 related to 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 4.21. 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 4.22. 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 4.23. 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 4.24. 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.

(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

9 SECTION 4.25. 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 director at the designated office of the board  
15 [commission].

16 SECTION 4.26. 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 director as to the content of the record is prima facie evidence of  
21 a matter required to be kept by the board [commission].

22 SECTION 4.27. Section 1702.068, Occupations Code, is  
23 amended to read as follows:

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

27 SECTION 4.28. Section 1702.069, Occupations Code, is

1 amended to read as follows:

2 Sec. 1702.069. ANNUAL REPORT. The board [~~commission~~] shall  
3 file annually with the governor and the presiding officer of each  
4 house of the legislature a complete and detailed written report  
5 accounting for all money received and disbursed by the board  
6 [~~commission~~] in the preceding fiscal year. The form of the annual  
7 report and the reporting time are as provided in the General  
8 Appropriations Act.

9 SECTION 4.29. Section 1702.081, Occupations Code, is  
10 amended to read as follows:

11 Sec. 1702.081. PUBLIC INTEREST INFORMATION. (a) The board  
12 [~~commission~~] shall prepare information of interest to consumers or  
13 recipients of services regulated under this chapter describing the  
14 board's [~~commission's~~] regulatory functions and the procedures by  
15 which complaints are filed with and resolved by the board  
16 [~~commission~~].

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

19 SECTION 4.30. Section 1702.082, Occupations Code, is  
20 amended to read as follows:

21 Sec. 1702.082. COMPLAINTS. (a) The board [~~commission by~~  
22 ~~rule shall establish methods by which consumers and service~~  
23 ~~recipients are notified of the name, mailing address, and telephone~~  
24 ~~number of the commission for the purpose of directing complaints to~~  
25 ~~the commission. The commission may provide for that notice:~~

26 [~~(1) on each registration form, application, or~~  
27 ~~written contract for services of a person regulated under this~~

1 ~~chapter,~~

2 [+(2) ~~on a sign prominently displayed in the place of~~  
3 ~~business of each person regulated under this chapter; or~~  
4 [+(3) ~~in a bill for services provided by a person~~  
5 ~~regulated under this chapter.~~

6 [+(b) ~~The commission~~] shall maintain a system to promptly and  
7 efficiently act on complaints [~~file on each written complaint~~]  
8 filed with the board [~~commission~~]. The board shall maintain  
9 information about parties to the complaint, [~~file must include:~~

10 [+(1) ~~the name of the person who filed the complaint,~~  
11 [+(2) ~~the date the complaint is received by the~~  
12 ~~commission,~~

13 [+(3)] ~~the subject matter of the complaint,~~ [+(4) ~~the name of each person contacted in relation to~~  
14 ~~the complaint;~~

15 [+(5)] ~~a summary of the results of the review or~~  
16 ~~investigation of the complaint,~~ [+(6) ~~and its disposition~~  
17 [+(6) ~~an explanation of the reason the file was closed,~~  
18 ~~if the agency closed the file without taking action other than to~~  
19 ~~investigate the complaint~~].

20 [+(b) [+(c)] ~~The board~~ [~~commission~~] shall make information  
21 available describing its [~~provide to the person filing the~~  
22 ~~complaint a copy of the commission's policies and~~] procedures for  
23 ~~[relating to]~~ complaint investigation and resolution.

24 [+(c)] ~~The board~~ shall periodically [+(d) ~~Unless it would~~  
25 ~~jeopardize an undercover investigation,~~ the ~~commission~~ shall  
26 ~~provide to each person who is a subject of the complaint a copy of~~

1 ~~the commission's policies and procedures relating to complaint~~  
2 ~~investigation and resolution.~~

3 ~~[(e) The commission, at least quarterly until final~~  
4 ~~disposition of the complaint, shall]~~ notify the ~~[person filing the]~~  
5 ~~complaint parties [and each person who is a subject of the~~  
6 ~~complaint]~~ of the status of the complaint until final disposition  
7 ~~[investigation unless the notice would jeopardize an undercover~~  
8 ~~investigation].~~

9 SECTION 4.31. Section 1702.083, Occupations Code, is  
10 amended to read as follows:

11 Sec. 1702.083. PUBLIC PARTICIPATION. The board  
12 ~~[commission]~~ shall develop and implement policies that provide the  
13 public with a reasonable opportunity to appear before the board  
14 ~~[commission]~~ and to speak on any issue under the board's  
15 ~~[commission's]~~ jurisdiction.

16 SECTION 4.32. Section 1702.084, Occupations Code, is  
17 amended to read as follows:

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

25 (1) the identity of the person;  
26 (2) the nature of the complaint that was the basis of  
27 the disciplinary action taken against the person; and

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1 (3) the disciplinary action taken by the board  
2 [redacted].

3 (b) In providing the information, the board [commission]  
4 shall present the information in an impartial manner, use language  
5 that is commonly understood, and, if possible, avoid jargon  
6 specific to the security industry.

7 (c) The board [commission] shall update the information on a  
8 monthly basis.

9 (d) The board [~~commission~~] shall maintain the  
10 confidentiality of information regarding the identification of a  
11 complainant.

12 SECTION 4.33. Section 1702.103, Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES.

15 (a) The license classifications are:

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

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

20 (3) Class C: covering the operations included within  
21 Class A and Class B; [and]

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

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

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

27 and

1                   (8) Class T: telematics license [~~Class D: electronic~~  
2 ~~access control device license, covering operations of an electronic~~  
3 ~~access control device company~~].

4                   (b) A [~~Class A, B, C, or D~~] license described by this chapter  
5 does not authorize the license holder to perform a service for which  
6 the license holder has not qualified. A person may not engage in an  
7 operation outside the scope of that person's license. The board  
8 [~~commission~~] shall indicate on the license the services the license  
9 holder is authorized to perform. The license holder may not perform  
10 a service unless it is indicated on the license.

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

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

15                  (e) The board by rule may establish other license  
16 classifications for activities expressly regulated by this chapter  
17 and may establish qualifications and practice requirements  
18 consistent with this chapter for those license classifications.

19                  SECTION 4.34. Section 1702.110, Occupations Code, is  
20 amended to read as follows:

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

24                   (1) the full name and business address of the  
25 applicant;

26                   (2) the name under which the applicant intends to do  
27 business;

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1 (3) a statement as to the general nature of the  
2 business in which the applicant intends to engage:

3 (4) a statement as to the classification for which the  
4 applicant requests qualification:

5 (5) if the applicant is an entity other than an  
6 individual, the full name and residence address of each partner,  
7 officer, and director of the applicant, and of the applicant's  
8 manager;

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

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

21 (9) the social security number of the individual  
22 making the application; and

23 (10) other information, evidence, statements, or  
24 documents required by the board [commission].

25 SECTION 4.35. Section 1702.111, Occupations Code, is  
26 amended to read as follows:

27 SEC. 1702.111 ISSUANCE OF BRANCH OFFICE LICENSE (a) A

1 license holder, in accordance with Section 1702.129, shall notify  
2 the board [~~commission~~] in writing of the establishment of a branch  
3 office and file in writing with the board [~~commission~~] the address  
4 of the branch office.

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

7 SECTION 4.36. Section 1702.112, Occupations Code, is  
8 amended to read as follows:

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

12 (1) the name of the license holder;  
13 (2) the name under which the license holder is to  
14 operate; and  
15 (3) the license number and the date the license was  
16 issued.

17 SECTION 4.37. Sections 1702.113(a) and (c), Occupations  
18 Code, are amended to read as follows:

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

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

23 (2) ~~have been convicted in any jurisdiction of any of~~  
24 ~~the following:~~

25 (A) ~~a single felony or equivalent offense for~~

1 ~~which the 20th anniversary of the date of conviction has not~~  
2 ~~occurred before the date of application, unless a full pardon has~~  
3 ~~been granted for reasons relating to a wrongful conviction, or~~

4 ~~(B) a Class A misdemeanor or equivalent offense~~  
5 ~~for which the 10th anniversary of the date of conviction has not~~  
6 ~~occurred before the date of application, unless a full pardon has~~  
7 ~~been granted for reasons relating to a wrongful conviction,~~

8 ~~[(3)] at the time of application be charged with the~~  
9 ~~commission of a Class A misdemeanor or felony offense, under an~~  
10 ~~information or indictment;~~

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

14 (2) ~~[(5)] have been found by a court to be incompetent~~  
15 ~~by reason of a mental defect or disease and not have been restored~~  
16 ~~to competency;~~

17 (3) ~~[+6] have been dishonorably discharged from the~~  
18 ~~United States armed services, discharged from the United States~~  
19 ~~armed services under other conditions determined by the board to be~~  
20 ~~prohibitive, or dismissed from the United States armed services if~~  
21 ~~a commissioned officer in the United States armed services; or~~

22 (4) ~~[+7] be required to register in this or any other~~  
23 ~~state as a sex offender, unless the applicant is approved by the~~  
24 ~~board under Section 1702.3615.~~

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

27 ~~(1) a felony if the offense.~~

1 [ (A) at the time of conviction was designated by

2 ~~a law of this state as a felony, including a state jail felony;~~

3 [ (B) contains all the elements of an offense  
4 designated by a law of this state as a felony, including a state  
5 jail felony; or

6 [ (C) is punishable by confinement for one year or  
7 more in a penitentiary;

8 [ (2) a Class A misdemeanor if the offense is not a  
9 ~~felony and the offense:~~

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

12 [ (B) contains all the elements of an offense  
13 designated by a law of this state as a Class A misdemeanor; or  
14 [ (C) provides as a possible punishment

15 confinement in a jail other than a state jail felony facility; or  
16 [ (3) ] a Class B misdemeanor if the offense is not a  
17 felony.

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

22                           (3) [(-C)] provides as a possible punishment  
23 confinement in a jail other than a state jail felony facility.

24 SECTION 4.38. Section 1702.114, Occupations Code, is  
25 amended to read as follows:

26 Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR  
27 INVESTIGATIONS COMPANY LICENSE (a) An applicant for a license to

1 engage in the business of an investigations company or the  
2 applicant's manager must have, before the date of the application,  
3 three consecutive years' experience in the investigative field as  
4 an employee, manager, or owner of an investigations company or  
5 satisfy other requirements set by the board [commission].

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

7 (1) reviewed by the board [commission] or the  
8 director; and

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

11 SECTION 4.39. Section 1702.115, Occupations Code, is  
12 amended to read as follows:

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

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

23 (1) reviewed by the board [commission] or the  
24 director; and

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

27 SECTION 4.40. Section 1702.116, Occupations Code, is

1 amended to read as follows:

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

5 (1) meet the requirements of Sections 1702.113 and  
6 1702.115; and

7 (2) present evidence satisfactory to the board  
8 [~~commission~~] that the applicant will comply with the rules adopted  
9 under this section.

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

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

18 SECTION 4.41. Sections 1702.117(a), (c), and (d),  
19 Occupations Code, are amended to read as follows:

20 (a) The board [~~commission~~] shall require an applicant for a  
21 commission, license, registration, or endorsement under this  
22 chapter or the applicant's manager to demonstrate qualifications in  
23 the person's license classification, including knowledge of  
24 applicable state laws and board [~~commission~~] rules, by taking an  
25 examination to be determined by the board [~~commission~~].

26 (c) The board [~~commission~~] shall set the reexamination fee  
27 in an amount not to exceed the amount of the renewal fee for the

1 license classification for which application was made.

2 (d) The board [~~commission~~] shall develop and provide to a  
3 person who applies to take the examination under Subsection (a)  
4 material containing all applicable state laws and board  
5 [~~commission~~] rules.

6 SECTION 4.42. Section 1702.118, Occupations Code, is  
7 amended to read as follows:

8 Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than the  
9 30th day after the date a person takes a licensing examination under  
10 this chapter, the board [~~commission~~] shall notify the person of the  
11 examination results.

12 (b) If an examination is graded or reviewed by a testing  
13 service:

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

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

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

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

1 SECTION 4.43. Section 1702.1183, Occupations Code, is  
2 amended to read as follows:

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

8 (b) The board [~~commission~~] may make an agreement, subject to  
9 the approval of the governor, with another state to allow for  
10 licensing by reciprocity.

11 SECTION 4.44. Section 1702.1186, Occupations Code, is  
12 amended to read as follows:

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

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

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

25 (3) is sponsored by a person licensed by the board  
26 [~~commission~~] under this chapter with whom the provisional license  
27 holder will practice during the time the person holds a provisional

1 license.

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

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

8                   (2) the provisional license holder:

9                   (A) passes the part of the examination under  
10 Section 1702.117(a) that relates to the applicant's knowledge and  
11 understanding of the laws and rules relating to the practice of an  
12 investigations company or security services contractor in this  
13 state;

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

17                   (C) satisfies any other licensing requirements  
18 under this chapter.

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

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

1 SECTION 4.45. Section 1702.120(b), Occupations Code, is  
2 amended to read as follows:

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

8 SECTION 4.46. Section 1702.121, Occupations Code, is  
9 amended to read as follows:

10 Sec. 1702.121. TERMINATION OF MANAGER. A license holder  
11 shall notify the board [~~commission~~] in writing not later than the  
12 14th day after the date a manager ceases to be manager of the  
13 license holder's business. The license remains in effect for a  
14 reasonable period after notice is given as provided by board  
15 [~~commission~~] rule pending the board's [~~commission's~~] determination  
16 of the qualification of another manager under this subchapter.

17 SECTION 4.47. Section 1702.122, Occupations Code, is  
18 amended to read as follows:

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

25 SECTION 4.48. Section 1702.123, Occupations Code, is  
26 amended to read as follows:

27 Sec. 1702.123. INSURANCE; BOND. (a) A license holder shall

1 maintain on file with the board [~~commission~~] at all times the surety  
2 bond and certificate of insurance required by this chapter.

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

5 (c) The board [~~commission~~] may rescind the license  
6 suspension if the license holder provides proof to the board  
7 [~~commission~~] that the bond or the insurance coverage is still in  
8 effect. The license holder must provide the proof in a form  
9 satisfactory to the board [~~commission~~] not later than the 10th day  
10 after the date the license is suspended.

11 (d) After suspension of the license, the board [~~commission~~]  
12 may not reinstate the license until an application, in the form  
13 prescribed by the board [~~commission~~], is filed accompanied by a  
14 proper bond, insurance certificate, or both. The board  
15 [~~commission~~] may deny the application notwithstanding the  
16 applicant's compliance with this section:

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

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

21 SECTION 4.49. Section 1702.125, Occupations Code, is  
22 amended to read as follows:

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

1 SECTION 4.50. Sections 1702.127(b) and (c), Occupations  
2 Code, are amended to read as follows:

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

6 (c) A license holder shall maintain for board [~~commission~~]  
7 inspection at the license holder's principal place of business or  
8 branch office two recent color photographs, of a type required by  
9 the board [~~commission~~], of each applicant, registrant,  
10 commissioned security officer, and employee of the license holder.

11 SECTION 4.51. Section 1702.129, Occupations Code, is  
12 amended to read as follows:

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

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

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

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

20 (3) a change in the license holder's officers or  
21 partners.

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

24 (1) is established;

25 (2) is closed; or

26 (3) changes address or location.

27 SECTION 4.52. Section 1702.131, Occupations Code, is

1 amended to read as follows:

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

6 SECTION 4.53. Section 1702.161(b), Occupations Code, is  
7 amended to read as follows:

8 (b) An individual employed as a security officer may not  
9 knowingly carry a firearm during the course of performing duties as  
10 a security officer unless the board [~~commission~~] has issued a  
11 security officer commission to the individual.

12 SECTION 4.54. Section 1702.162, Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER  
15 COMMISSION. The employer of a security officer who applies for a  
16 security officer commission for the officer must submit an  
17 application to the board [~~commission~~] on a form provided by the  
18 board [~~commission~~].

19 SECTION 4.55. Section 1702.165, Occupations Code, is  
20 amended to read as follows:

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

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

26 (2) shall issue a security officer commission to a  
27 qualified employee of an armored car company that is a carrier

1 conducting the armored car business under a federal or state permit  
2 or certificate.

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

6 SECTION 4.56. Section 1702.167, Occupations Code, is  
7 amended to read as follows:

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

17 SECTION 4.57. Sections 1702.1675(a), (b), (c), (d), (e),  
18 (f), and (i), Occupations Code, are amended to read as follows:

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

22 (1) general security officer training issues;  
23 (2) classroom instruction on handgun proficiency; and  
24 (3) range instruction on handgun proficiency.

25 (b) The course must be offered and taught by schools and  
26 instructors approved by the board [~~commission~~]. To receive board  
27 [~~commission~~] approval, a school or an instructor must submit an

1 application to the board [commission] on a form provided by the  
2 board [commission].

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

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

7 (1) board [commission] rules and applicable state  
8 laws;

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

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

12 (e) The board [commission] shall develop a commissioned  
13 security officer training manual that contains applicable state  
14 laws and board [commission] rules to be used in the instruction and  
15 training of commissioned security officers.

16 (f) The board [commission] shall adopt rules necessary to  
17 administer the provisions of this section concerning the training  
18 requirements of this chapter.

19 (i) The board [commission] by rule shall establish minimum  
20 standards for handgun proficiency that are at least as stringent as  
21 the standards for handgun proficiency developed by the public  
22 safety director under Section 411.188, Government Code.

23 SECTION 4.58. Section 1702.168, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to  
26 the requirements of Section 1702.163(a), the board [commission] by  
27 rule shall establish other qualifications for individuals who are

1 employed in positions requiring the carrying of firearms. The  
2 qualifications may include:

3 (1) physical and mental standards;  
4 (2) standards of good moral character; and  
5 (3) other requirements that relate to the competency  
6 and reliability of individuals to carry firearms.

7 (b) The board [~~commission~~] shall prescribe appropriate  
8 forms and adopt rules by which evidence is presented that the  
9 requirements are fulfilled.

10 SECTION 4.59. Sections 1702.1685(b) and (d), Occupations  
11 Code, are amended to read as follows:

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

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

17 SECTION 4.60. Section 1702.171, Occupations Code, is  
18 amended to read as follows:

19 Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The  
20 board [~~commission~~] shall adopt rules for the maintenance of records  
21 relating to an individual to whom the board [~~commission~~] has issued  
22 a security officer commission.

23 SECTION 4.61. Section 1702.183, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.183. APPLICATION FOR LETTER OF AUTHORITY. A  
26 security department of a private business or of a political  
27 subdivision that applies for a security officer commission for an

1 individual employed by the security department must submit an  
2 application to the board [~~commission~~] for a letter of authority on a  
3 form provided by the board [~~commission~~].

4 SECTION 4.62. The heading to Subchapter I, Chapter 1702,  
5 Occupations Code, is amended to read as follows:

6 SUBCHAPTER I. PERSONAL PROTECTION OFFICER ENDORSEMENT  
7 [~~AUTHORIZATION~~] REQUIREMENTS

8 SECTION 4.63. Section 1702.201, Occupations Code, is  
9 amended to read as follows:

10 Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT  
11 [~~AUTHORIZATION~~] REQUIRED. A commissioned security officer may not  
12 act as a personal protection officer unless the officer holds a  
13 personal protection officer endorsement [~~authorization~~].

14 SECTION 4.64. Section 1702.203, Occupations Code, is  
15 amended to read as follows:

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

20 SECTION 4.65. Section 1702.204, Occupations Code, is  
21 amended to read as follows:

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

26 (1) a certificate of completion of the basic security  
27 officer training course;

(2) proof that the applicant:

2 (A) has been issued a security officer  
3 commission;

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

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

11 (b) The board [commission] by rule shall require an  
12 applicant for a personal protection officer endorsement  
13 [authorization] to complete the Minnesota Multiphasic Personality  
14 Inventory test. The board [commission] may use the results of the  
15 test to evaluate the applicant's psychological fitness.

16 SECTION 4.66. Section 1702.205(a), Occupations Code, is  
17 amended to read as follows:

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

21 SECTION 4.67. Section 1702.206, Occupations Code, is  
22 amended to read as follows:

23 Sec. 1702.206. CONCEALED FIREARMS. An individual acting as  
24 a personal protection officer may not carry a concealed firearm  
25 unless the officer:

26 (1) is either:

27 (A) engaged in the exclusive performance of the

1 officer's duties as a personal protection officer for the employer  
2 under whom the officer's personal protection officer endorsement  
3 [~~authorization~~] is issued; or

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

6 (2) carries the officer's security officer commission  
7 and personal protection officer endorsement [~~authorization~~] on the  
8 officer's person while performing the officer's duties or traveling  
9 as described by Subdivision (1) and presents the commission and  
10 endorsement [~~authorization~~] on request.

11 SECTION 4.68. Section 1702.221, Occupations Code, is  
12 amended to read as follows:

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

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

18 (2) obtain the proper endorsement under Subsection  
19 (b); and

20 (3) be employed by a company licensed under this  
21 chapter.

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

25 (1) is employed as:

26 (A) an alarm instructor;

27 (B) an alarm systems installer;

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

18            (c) [b)] Registration and endorsement under this chapter  
19 does not preclude an individual from performing additional duties  
20 or services authorized by the individual's employer that are not  
21 regulated by this chapter. An individual who performs more than one  
22 of the services that require an endorsement under this section must  
23 obtain an endorsement for each service.

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

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

4           SECTION 4.69. Section 1702.2226(b), Occupations Code, is  
5 amended to read as follows:

6           (b) A person registered as an electronic access control  
7 device installer may not install alarm systems unless the person  
8 holds an endorsement [~~is registered~~] under this chapter as an alarm  
9 systems installer.

10          SECTION 4.70. The heading to Subchapter J, Chapter 1702,  
11 Occupations Code, is amended to read as follows:

12          SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS;  
13          [~~REGISTRANT~~] DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER

14          SECTION 4.71. Section 1702.228, Occupations Code, is  
15 amended to read as follows:

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

20          SECTION 4.72. Section 1702.230, Occupations Code, is  
21 amended to read as follows:

22          Sec. 1702.230. APPLICATION FOR REGISTRATION OR  
23 ENDORSEMENT. (a) An application for registration or endorsement  
24 must be verified and include:

25           (1) the applicant's full name, residence address,  
26 residence telephone number, date and place of birth, and social  
27 security number;

1 (2) a statement that:

2 (A) lists each name used by the applicant, other  
3 than the name by which the applicant is known at the time of  
4 application, and an explanation stating each place where each name  
5 was used, the date of each use, and a full explanation of the  
6 reasons the name was used; or

7 (B) states that the applicant has never used a  
8 name other than the name by which the applicant is known at the time  
9 of application;

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

12 (4) the date the employment commenced;

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

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

17 (7) any other information, evidence, statement, or  
18 document required by the board [commission].

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

21 SECTION 4.73. Section 1702.2305, Occupations Code, is  
22 amended to read as follows:

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

27 (1) has been registered in good standing in the field

1 in which the registration is sought for at least two years in  
2 another jurisdiction, including a foreign country, that has  
3 registration requirements substantially equivalent to the  
4 requirements of this chapter;

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

8 (3) is employed by a person licensed by the board  
9 [commission] under this chapter with whom the provisional  
10 registration holder will practice during the time the person holds  
11 a provisional registration.

12 (b) A provisional registration is valid until the date the  
13 board [commission] approves or denies the provisional registration  
14 holder's application for a registration. The board [commission]  
15 shall issue a registration under this chapter to the provisional  
16 registration holder if the provisional registration holder is  
17 eligible to be registered under this chapter.

18 (c) The board [commission] must approve or deny a  
19 provisional registration holder's application for a registration  
20 not later than the 180th day after the date the provisional  
21 registration is issued. The board [commission] may extend the  
22 180-day period if the results of an examination have not been  
23 received by the board [commission] before the end of that period.

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

27 SECTION 4.74. Section 1702.232, Occupations Code, is

1 amended to read as follows:

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

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

8 (c) The pocket card must:

9 (1) state the name of the registrant;

10 (2) contain a color photograph and the signature of the registrant; [~~and~~]

12 (3) state the date the card was issued and the card's expiration date; and

14 (4) state each endorsement held by the registrant and the date the endorsement expires.

16 SECTION 4.75. Section 1702.234, Occupations Code, is amended to read as follows:

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

26 SECTION 4.76. Section 1702.235, Occupations Code, is amended to read as follows:

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

5 SECTION 4.77. Section 1702.236, Occupations Code, is  
6 amended to read as follows:

7 Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR  
8 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The board  
9 [~~commission~~] shall require an individual who applies for an  
10 endorsement [~~registration~~] as an electronic access control device  
11 installer to pass an examination given by the board [~~commission~~] or  
12 a person approved by the board [~~commission~~]. The examination must  
13 cover material related to access control.

14 (b) [~~(e)~~] On and after September 1, 2005, the board  
15 [~~commission~~] by rule may allow an electronic access control device  
16 installer to obtain or renew an endorsement [~~a certificate of~~  
17 ~~registration~~] by fulfilling the requirements of a board-approved  
18 [~~commission-approved~~], industry-based educational training  
19 program.

20 SECTION 4.78. Sections 1702.239(a), (b), and (d),  
21 Occupations Code, are amended to read as follows:

22 (a) The board [~~commission~~] may require that an individual  
23 employed as an alarm systems installer or security salesperson hold  
24 a certification by a board-approved [~~commission-approved~~] training  
25 program to renew an endorsement [~~an initial registration~~]. The  
26 board [~~commission~~] may approve only nationally recognized training  
27 programs that consist of at least 16 hours of classroom study in the

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

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

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

25 SECTION 4.79. Section 1702.240(b), Occupations Code, is  
26 amended to read as follows:

27 (b) An employee of a license holder who is employed

1 exclusively as an undercover agent is not required to register with  
2 the board [~~commission~~].

3 SECTION 4.80. Subchapter J, Chapter 1702, Occupations Code,  
4 is amended by adding Section 1702.241 to read as follows:

5 Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The board  
6 may develop and administer at least twice each calendar year a  
7 jurisprudence examination to determine the knowledge that an  
8 applicant for an endorsement has of this chapter, board rules, and  
9 any other applicable laws of this state affecting the applicant's  
10 activities regulated under this chapter.

11 (b) Before the board may administer a jurisprudence  
12 examination under this section, the board may adopt rules to  
13 implement this section, including rules related to the development  
14 and administration of the examination, examination fees,  
15 guidelines for reexamination, grading the examination, and  
16 providing notice of examination results. The board may design  
17 different examinations for different types of endorsements.

18 SECTION 4.81. Section 1702.262, Occupations Code, is  
19 amended to read as follows:

20 Sec. 1702.262. SELLERS OF CERTAIN DEVICES. A person may  
21 sell a detection device or other device for preventing or detecting  
22 burglary if:

23 (1) the person does not install, repair, or maintain  
24 detection devices;

25 (2) the person holds a seller's certificate;

26 (3) the person, or the manufacturer or distributor of  
27 the device that the person sells, files with the board [~~commission~~]

1 a certificate evidencing insurance for liability for bodily injury  
2 or property damage arising from faulty or defective products in an  
3 amount of not less than \$1 million combined single limit, provided  
4 that the policy of insurance need not relate exclusively to  
5 burglary devices;

6 (4) the person, or the manufacturer or distributor of  
7 the device that the person sells, files with the board [commission]  
8 a surety bond executed by a surety company authorized to do business  
9 in this state in the sum of \$10,000 in favor of the state; and

10 (5) the person is not employed by a security services  
11 contractor.

12 SECTION 4.82. Section 1702.263, Occupations Code, is  
13 amended to read as follows:

14 Sec. 1702.263. APPLICATION FOR SELLER'S CERTIFICATE.

15 (a) To obtain a seller's certificate, a person must:

16 (1) submit to the board [commission] an application  
17 that includes the person's full name, residence telephone number,  
18 date and place of birth, and social security number and two sets of  
19 classifiable fingerprints; and

20 (2) pay to the board [commission] a seller's  
21 certificate fee established by the board [commission] in an amount  
22 not to exceed \$25.

23 (b) The board [commission] shall approve an application for  
24 a seller's certificate and issue the certificate to the applicant  
25 unless:

26 (1) the background check of the applicant discloses a  
27 felony conviction for which a full pardon has not been granted; or

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1 (2) any information provided in the application is  
2 false.

3 SECTION 4.83. Section 1702.267, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.267. SUSPENSION OR REVOCATION OF SELLER'S  
6 CERTIFICATE. On conviction under Section 1702.388 for a violation  
7 of this subchapter, the board [~~commission~~] may revoke or suspend a  
8 seller's certificate after a hearing conducted under Subchapter O.

9 SECTION 4.84. Sections 1702.282(a), (c), and (e),  
10 Occupations Code, are amended to read as follows:

26 (c) A license, registration, security officer commission,  
27 letter of approval, permit, endorsement, or certification issued by

1 the board is conditional on the board's receipt of criminal history  
2 record information.

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

17 SECTION 4.85. Section 1702.283, Occupations Code, is  
18 amended to read as follows:

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

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

24 (2) may not be employed to work with dogs as a security  
25 officer by a security services contractor or security department of  
26 a private business that uses dogs to protect individuals or  
27 property or to conduct investigations.

1 SECTION 4.86. Section 1702.285, Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.285. FALSE REPRESENTATION. A person may not  
4 represent falsely that the person:

5 (1) is employed by a license holder; or  
6 (2) is licensed, registered, endorsed, or  
7 commissioned under this chapter.

8 SECTION 4.87. Sections 1702.301(c), (d), (e), (f), (g), and  
9 (h), Occupations Code, are amended to read as follows:

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

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

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

22 (f) Endorsement ~~Registration~~ as a noncommissioned  
23 security officer expires on the second anniversary of the date of  
24 endorsement ~~registration~~.

25 (g) A letter of authority, or a school approval or school  
26 instructor approval letter issued by the board ~~commission~~,  
27 expires on the first anniversary of the date of issuance.

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

5                   SECTION 4.88. Section 1702.302, Occupations Code, is  
6 amended to read as follows:

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

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

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

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

25                   (e) Not later than the 30th day before the date a person's  
26 license is scheduled to expire, the board ~~commission~~ shall send  
27 written notice of the impending expiration to the person at the

1 person's last known address according to the board's [~~commission's~~]  
2 records.

3 SECTION 4.89. Section 1702.303, Occupations Code, is  
4 amended to read as follows:

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

12 SECTION 4.90. Section 1702.304, Occupations Code, is  
13 amended to read as follows:

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

23 SECTION 4.91. Section 1702.307, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.307. REGISTRATION RENEWAL. (a) An individual  
26 who is otherwise eligible to renew a registration may renew an  
27 unexpired registration by paying the required renewal fee to the

1    board [~~commission~~] before the expiration date of the registration.  
2    An individual whose registration has expired may not engage in  
3    activities that require a registration until the registration has  
4    been renewed.

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

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

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

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

25               (f) Not later than the 30th day before the expiration date  
26   of an individual's registration, the board [~~commission~~] shall send  
27   written notice of the impending expiration to the individual at the

1 individual's last known address according to board [~~commission~~]  
2 records.

3 SECTION 4.92. Sections 1702.308(b) and (c), Occupations  
4 Code, are amended to read as follows:

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

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

19 SECTION 4.93. Section 1702.309(a), Occupations Code, is  
20 amended to read as follows:

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

27 SECTION 4.94. Sections 1702.321(b), (c), and (e),

1 Occupations Code, are amended to read as follows:

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

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

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

17                  SECTION 4.95. Sections 1702.361(a) and (b), Occupations  
18 Code, are amended to read as follows:

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

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

25                    (2) reprimand a license holder, registrant, or  
26 commissioned security officer; or

27                    (3) place on probation a person whose license,

1 registration, endorsement, or security officer commission has been  
2 suspended.

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

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

7 (A) violated this chapter or a rule adopted under  
8 this chapter;

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

14 (C) engaged in fraud, deceit, or  
15 misrepresentation;

16 (D) made a material misstatement in an  
17 application for or renewal of a license, registration, endorsement,  
18 or commission; [or]

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

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

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

27 (ii) performed the service for a company

1       licensed under this chapter that was not listed on the individual's  
2       registration without informing the board of the individual's  
3       employment with the company within a reasonable period; or

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

8               (A)    engaged in fraud or deceit while employed by  
9       the license holder; or

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

12       SECTION 4.96. Section 1702.362, Occupations Code, is  
13       amended to read as follows:

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

19       SECTION 4.97. Section 1702.363, Occupations Code, is  
20       amended to read as follows:

21       Sec. 1702.363. APPLICATION OF ADMINISTRATIVE PROCEDURE  
22       ACT. Except as provided by Sections 1702.3615(b) and 1702.364, a  
23       person regulated under this chapter against whom the board  
24       [commission] has taken action is entitled to a hearing before the  
25       State Office of Administrative Hearings. A proceeding under this  
26       section is a contested case that is governed by Chapter 2001,  
27       Government Code.

1 SECTION 4.98. Sections 1702.364(a), (d), (f), and (h),  
2 Occupations Code, are amended to read as follows:

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

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

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

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

18 (d) At a preliminary hearing, the person must show cause  
19 why:

20 (1) the application should not have been denied;  
21 (2) the registration, license, endorsement, or  
22 security officer commission should not have been suspended; or  
23 (3) the registration, license, endorsement, or  
24 commission should not have been revoked.

25 (f) The dismissal of a complaint, information, or  
26 indictment or an acquittal releases the person from automatic  
27 grounds for a summary denial of an application or summary

1 suspension of a registration, endorsement, or security officer  
2 commission under this section. A conviction for the offense giving  
3 rise to a summary suspension is automatic grounds for immediate,  
4 summary revocation.

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

9 SECTION 4.99. Section 1702.365, Occupations Code, is  
10 amended to read as follows:

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

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

24 (2) is exercising the care and control with the  
25 consent of a person who has custody or physical possession of the  
26 child under a court order.

27 SECTION 4.100. Sections 1702.367(a), (c), (d), and (e),

1 Occupations Code, are amended to read as follows:

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

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

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

25 (e) An investigator employed by the board [~~commission~~] may  
26 take statements under oath in an investigation of a matter covered  
27 by this chapter.

1 SECTION 4.101. Section 1702.368, Occupations Code, is  
2 amended to read as follows:

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

10 SECTION 4.102. Subchapter O, Chapter 1702, Occupations  
11 Code, is amended by adding Section 1702.372 to read as follows:

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

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

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

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

21 SECTION 4.103. Section 1702.381(b), Occupations Code, is  
22 amended to read as follows:

23 (b) A person who contracts with or employs a person who is  
24 required to hold a license, [~~certificate of~~] registration,  
25 endorsement, or security officer commission under this chapter  
26 knowing that the person does not hold the required license,  
27 registration, endorsement [~~certificate~~], or commission or who

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1 otherwise, at the time of contract or employment, is in violation of  
2 this chapter may be assessed a civil penalty to be paid to the state  
3 in an amount not to exceed \$10,000 for each violation.

4 SECTION 4.104. Section 1702.386(a), Occupations Code, is  
5 amended to read as follows:

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

13 SECTION 4.105. Section 1702.3863(a), Occupations Code, is  
14 amended to read as follows:

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

19 (1) a peace officer;

20 (2) an individual endorsed or licensed as a private  
21 investigator or the manager of a licensed investigations company;  
22 or

23 (3) a commissioned security officer employed by a  
24 licensed guard company.

25 SECTION 4.106. Section 1702.387(a), Occupations Code, is  
26 amended to read as follows:

27 (a) A person commits an offense if the person fails to

1 surrender or immediately return to the board [~~commission~~] the  
2 person's registration, commission, pocket card, or other  
3 identification issued to the person by the board [~~commission~~] on  
4 notification of a summary suspension or summary denial under  
5 Section 1702.364.

6 SECTION 4.107. Section 1702.388(b), Occupations Code, is  
7 amended to read as follows:

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

13 SECTION 4.108. Section 1702.402, Occupations Code, is  
14 amended by amending Subsection (a) and adding Subsection (c) to  
15 read as follows:

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

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

21 SECTION 4.109. Section 1702.406(b), Occupations Code, is  
22 amended to read as follows:

23 (b) The notice of the board's order given to the person must  
24 include a statement of the right of the person to judicial review of  
25 the order. Judicial review is under the substantial evidence rule  
26 as provided by Subchapter G, Chapter 2001, Government Code.

27 SECTION 4.110. The following provisions of the Occupations

1 Code are repealed:

2 (1) Section 1702.002(4);  
3 (2) Section 1702.003;  
4 (3) Section 1702.065;  
5 (4) Section 1702.113(e); and  
6 (5) Section 1702.364(j).

7 SECTION 4.111. (a) Not later than January 1, 2010, the  
8 Texas Private Security Board and the Department of Public Safety  
9 shall adopt the rules required by or under Sections 1702.062 and  
10 1702.082, Occupations Code, as amended by this article. The fee  
11 schedule in effect under Section 1702.062, Occupations Code, before  
12 the effective date of this Act is continued in effect until new fees  
13 are adopted under Section 1702.062, Occupations Code, as amended by  
14 this article.

15 (b) The requirement to pass a jurisprudence examination  
16 under Section 1702.241, Occupations Code, as added by this article,  
17 applies only to an individual who applies for a registration or  
18 endorsement under Chapter 1702, Occupations Code, on or after the  
19 date specified by the Texas Private Security Board in the event the  
20 board begins requiring applicants to pass a jurisprudence  
21 examination, but not earlier than September 1, 2010.

22 (c) The changes in law made by this article related to the  
23 filing, investigation, or resolution of a complaint under Chapter  
24 1702, Occupations Code, as amended by this article, apply only to a  
25 complaint filed with the Texas Private Security Board on or after  
26 the effective date of this Act. A complaint filed before the  
27 effective date of this Act is governed by the law as it existed

1 immediately before that date, and the former law is continued in  
2 effect for that purpose.

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

14 (e) The change in law made by this article with respect to  
15 conduct that is grounds for imposition of a disciplinary sanction  
16 applies only to conduct that occurs on or after the effective date  
17 of this Act. Conduct that occurs before the effective date of this  
18 Act is governed by the law in effect on the date the conduct  
19 occurred, and the former law is continued in effect for that  
20 purpose.

21 (f) Section 1702.372, Occupations Code, as added by this  
22 article, applies only to a hearing conducted on or after the  
23 effective date of this Act, regardless of the date on which the  
24 complaint was filed. A complaint on which a hearing is conducted  
25 before the effective date of this Act is governed by the law in  
26 effect on the date the hearing was conducted, and the former law is  
27 continued in effect for that purpose.

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## ARTICLE 5. GENERAL PROVISIONS

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

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

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

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

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

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

4        SECTION 5.02. Section 411.0035, Government Code, is amended  
5 to read as follows:

6        Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a)  
7 In this section, "Texas trade association" means a cooperative and  
8 voluntarily joined statewide association of business or  
9 professional competitors in this state designed to assist its  
10 members and its industry or profession in dealing with mutual  
11 business or professional problems and in promoting their common  
12 interest.

13        (b) A person may not be [serve as] a member of the commission  
14 and may not be a department employee employed in a "bona fide  
15 executive, administrative, or professional capacity," as that  
16 phrase is used for purposes of establishing an exemption to the  
17 overtime provisions of the federal Fair Labor Standards Act of 1938  
18 (29 U.S.C. Section 201 et seq.), if:

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

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

25        (c) A person may not be a member of the commission or act as  
26 the general counsel to the commission if the person is required to  
27 register as a lobbyist under Chapter 305 because of the person's

1 activities for compensation on behalf of a profession related to  
2 the operation of the commission.

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

5 Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The  
6 commission shall develop and implement policies that clearly  
7 separate the policymaking responsibilities of the commission and  
8 the management responsibilities of the director and the staff of  
9 the department.

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

12 Sec. 411.0043. TECHNOLOGY POLICY. The commission shall  
13 implement a policy requiring the department to use appropriate  
14 technological solutions to improve the department's ability to  
15 perform its functions. The policy must ensure that the public is  
16 able to interact with the department on the Internet.

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

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

22 (1) negotiated rulemaking procedures under Chapter  
23 2008 for the adoption of department rules; and

24 (2) appropriate alternative dispute resolution  
25 procedures under Chapter 2009 to assist in the resolution of  
26 internal and external disputes under the department's  
27 jurisdiction.

1        (b) The department's procedures relating to alternative  
2 dispute resolution must conform, to the extent possible, to any  
3 model guidelines issued by the State Office of Administrative  
4 Hearings for the use of alternative dispute resolution by state  
5 agencies.

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

7            (1) coordinate the implementation of the policy  
8 adopted under Subsection (a);

9            (2) serve as a resource for any training needed to  
10 implement the procedures for negotiated rulemaking or alternative  
11 dispute resolution; and

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

14        SECTION 5.06. Sections 411.0195(a), (b), and (c),  
15 Government Code, are amended to read as follows:

16        (a) The department shall maintain a system to promptly and  
17 efficiently act on [prepare information of public interest  
18 describing the functions of the department and the department's  
19 procedures by which] complaints [are] filed with [and resolved by]  
20 the department. The department shall maintain [make the]  
21 information about parties to the complaint, the subject matter of  
22 the complaint, a summary of the results of the review or  
23 investigation of the complaint, and its disposition [available to  
24 the public and appropriate state agencies].

25        (b) The department shall make information available  
26 describing its procedures for complaint investigation and  
27 resolution [director by rule shall establish methods by which

1 ~~consumers and service recipients are notified of the name, mailing~~  
2 ~~address, and telephone number of the department for the purpose of~~  
3 ~~directing complaints to the department~~].

4 (c) The department shall periodically notify the complaint  
5 parties of the status of the complaint until final disposition  
6 ~~[maintain a file on each written complaint filed with the~~  
7 ~~department. The file must include:~~

8 ~~[(1) the name of the person who filed the complaint;~~  
9 ~~[(2) the date the complaint is received by the~~  
10 ~~department;~~  
11 ~~[(3) the subject matter of the complaint;~~  
12 ~~[(4) the name of each person contacted in relation to~~  
13 ~~the complaint;~~

14 ~~[(5) a summary of the results of the review or~~  
15 ~~investigation of the complaint; and~~  
16 ~~[(6) an explanation of the reason the file was closed,~~  
17 ~~if the agency closed the file without taking action other than to~~  
18 ~~investigate the complaint~~].

19 SECTION 5.07. Section 411.188, Government Code, is amended  
20 by adding Subsection (j) to read as follows:

21 (j) The department may offer online, or allow a qualified  
22 handgun instructor to offer online, the continuing education  
23 instruction course and written section of the proficiency  
24 examination required to renew a license.

25 SECTION 5.08. Sections 411.244(a), (d), and (f), Government  
26 Code, are amended to read as follows:

27 (a) The commission ~~[director]~~ shall establish the office of

1 internal affairs, which is responsible for:

2 (1) acting to prevent and detect criminal conduct

3 within the department; and

4 (2) independently and objectively investigating:

5 (A) criminal activity occurring in all divisions

6 of the department;

7 (B) allegations of wrongdoing by department

8 employees;

9 (C) crimes committed on department property; and

10 (D) serious breaches of department policy.

11 (d) The commission has direct oversight over the office of

12 internal affairs, including decisions regarding budget and

13 staffing. The commission [director] shall appoint the head of the

14 office of internal affairs. The head of the office of internal

15 affairs serves until removed by the commission [director]. The

16 commission shall establish policies to ensure that the commission

17 continues to oversee the office of internal affairs as required by

18 this subsection and to ensure that the office of internal affairs

19 retains and exercises its original jurisdiction under Subsection

20 (b).

21 (f) The head of the office of internal affairs shall present

22 at each regularly scheduled commission meeting and at other

23 appropriate times:

24 (1) reports of investigations; and

25 (2) a summary of information relating to

26 investigations conducted under this section that includes analysis

27 of the number, type, and outcome of investigations, trends in the

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1 investigations, and recommendations to avoid future complaints.

2 SECTION 5.09. Sections 411.0195(d) and (e), Government  
3 Code, are repealed.

4 SECTION 5.10. This Act takes effect September 1, 2009.