

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-30-15  
Date

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2162 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ACampbell MD  
campbell

Gren Nelson  
Nelson  
Rht for N.S.  
Nichols

e. Schwertner  
Schwertner  
Thurk Watson

watson On the part of the Senate

Ron Simmons  
RON SIMMONS

Drew Springer  
Drew Springer  
Rodney Anderson  
Rodney Anderson

Carol Alvarado  
Carol Alvarado  
Roncho Nevarez  
On the part of the House

**Note to Conference Committee Clerk:**  
Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2162

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the use of alarm systems in certain municipalities; authorizing a municipal fee.

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

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

SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN MUNICIPALITIES WITH  
POPULATION OF LESS THAN 40,000 WHOLLY LOCATED IN LESS POPULOUS  
COUNTIES

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

Sec. 214.1915. APPLICABILITY. This subchapter applies only  
to a municipality with a population of less than 40,000 that is  
wholly located in a county with a population of less than 500,000.

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

SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN MUNICIPALITIES WHOLLY OR  
PARTLY LOCATED IN MORE POPULOUS COUNTIES AND MUNICIPALITIES WITH  
POPULATION OF 40,000 OR MORE WHOLLY OR PARTLY LOCATED IN LESS  
POPULOUS COUNTIES

Sec. 214.201. DEFINITIONS. In this subchapter:

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

(2) "Alarm systems monitor" means a person who acts as

1 an alarm systems company under Section 1702.105, Occupations Code.

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

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

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

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

11 Sec. 214.2015. APPLICABILITY. This subchapter applies only  
12 to:

13 (1) a municipality wholly or partly located in a  
14 county with a population of 500,000 or more; and

15 (2) a municipality with a population of 40,000 or more  
16 wholly or partly located in a county with a population of less than  
17 500,000.

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

20 Sec. 214.203. DURATION OF MUNICIPAL PERMIT. (a) If a  
21 municipality adopts an ordinance that requires a person to obtain a  
22 permit from the municipality before a person may use an alarm system  
23 in the municipality, the ordinance must provide that the permit is  
24 valid for at least one year.

25 (b) This requirement does not affect the authority of the  
26 municipality to:

27 (1) revoke, suspend, or otherwise affect the duration

1 of a permit for disciplinary reasons at any time during the period  
2 for which the permit is issued; or

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

6 Sec. 214.204. MUNICIPAL PERMIT FEE GENERALLY. (a) If a  
7 municipality adopts an ordinance that requires a person to pay an  
8 annual fee to obtain a permit from the municipality before the  
9 person may use an alarm system in the municipality, the fee shall be  
10 used for the general administration of this subchapter, including  
11 the provision of responses generally required to implement this  
12 subchapter other than specific responses to false alarms.

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

15 (1) \$50 a year for a residential location; and

16 (2) \$250 a year for other alarm system locations.

17 Sec. 214.205. NONRENEWAL OR REVOCATION OF PERMIT;  
18 TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.

19 (a) Except as provided by Subsection (d), a municipality may not  
20 terminate its law enforcement response to a residential permit  
21 holder because of excess false alarms if the false alarm fees are  
22 paid in full.

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

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

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

4        Sec. 214.2055. MULTIUNIT HOUSING FACILITIES. (a) A  
5 municipality may not refuse to issue an alarm system permit for a  
6 residential location solely because the residential location is an  
7 individual residential unit located in a multiunit housing  
8 facility.

9        (b) In issuing an alarm system permit for an alarm installed  
10 in an individual residential unit of a multiunit housing facility,  
11 the municipality shall issue the permit to the person occupying the  
12 individual residential unit.

13        (c) A municipality may impose a penalty under Section  
14 214.207 for the signaling of a false alarm on the premises of a  
15 multiunit housing facility for a facility other than an individual  
16 residential unit only if the permit holder is notified of:

- 17                (1) the date of the signaling of the false alarm;  
18                (2) the address of the multiunit housing facility  
19 where the signaling of the false alarm occurred; and  
20                (3) the identification of the individual facility, if  
21 applicable, located on the multiunit housing facility premises  
22 where the signaling of the false alarm occurred.

23        Sec. 214.206. ON-SITE INSPECTION REQUIRED. A municipality  
24 may not consider a false alarm to have occurred unless a response is  
25 made by an agency of the municipality within a reasonable time and  
26 the agency determines from an inspection of the interior or  
27 exterior of the premises that the alarm report by an alarm systems

1 monitor was false.

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

9 (1) \$50, if the location has had more than three but  
10 fewer than six other false alarms in the preceding 12-month period;

11 (2) \$75, if the location has had more than five but  
12 fewer than eight other false alarms in the preceding 12-month  
13 period; or

14 (3) \$100, if the location has had eight or more other  
15 false alarms in the preceding 12-month period.

16 (b) A municipality may not impose a penalty authorized under  
17 Subsection (a) if reasonable visual proof of possible criminal  
18 activity recorded by an alarm systems monitor is provided to the  
19 municipality before the inspection of the premises by an agency of  
20 the municipality.

21 (c) A municipality that adopts an ordinance requiring a  
22 person to obtain a permit from the municipality before the person  
23 may use an alarm system in the municipality may impose a penalty,  
24 not to exceed \$250, for the report of a false alarm by an alarm  
25 systems monitor on a person who has not obtained a permit for the  
26 alarm system as required by the municipal ordinance.

27 (d) A municipality:



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

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

7           (e) A municipality may not impose or collect any fine, fee,  
8 or penalty, other than collection fees, related to a false alarm or  
9 alarm system unless the fine, fee, or penalty is defined in the  
10 ordinance in accordance with this subchapter.

11           Sec. 214.208. PROCEDURES FOR REDUCING FALSE ALARMS. A  
12 municipality may require an alarm systems monitor to attempt to  
13 contact the occupant of the alarm system location twice before the  
14 municipality responds to the alarm signal.

15           Sec. 214.209. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM  
16 RESPONSE. (a) The governing body of a municipality may not adopt  
17 an ordinance providing that law enforcement personnel of the  
18 municipality will not respond to any alarm signal indicated by an  
19 alarm system in the municipality unless, before adopting the  
20 ordinance, the governing body of the municipality:

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

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

26           (b) A municipality that adopts an ordinance under this  
27 section may not impose or collect any fine, fee, or penalty



1 otherwise authorized by this subchapter.

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

9 Sec. 214.210. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED;  
10 LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this  
11 subchapter:

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

14 (2) waives the governmental immunity provided by law  
15 for a municipality.

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

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

20 (a) A property owner or an agent of the property owner authorized  
21 to make decisions regarding the use of the property may elect to  
22 exclude the municipality from receiving an alarm signal by an alarm  
23 system located on the owner's property. A municipality may adopt an  
24 ordinance that specifies the requirements a property owner must  
25 satisfy for an election to be made under this section.

26 (b) If an election is made under Subsection (a), the  
27 municipality:

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

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

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

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

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

**House Bill 2162**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

*No equivalent provision.*

*No equivalent provision.*

*No equivalent provision.*

SECTION 1. Section 214.191, Local Government Code, is amended to read as follows:  
Sec. 214.191. DEFINITIONS. In this subchapter:  
(1) "Alarm system" has the meaning assigned by Section 1702.002, Occupations Code ~~[means a device or system that~~

SENATE VERSION (IE)

*(Unless otherwise indicated, all SECTIONS below are from FA1)*

SECTION 1. The heading to Subchapter F, Chapter 214, Local Government Code, is amended to read as follows:  
SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN CERTAIN MUNICIPALITIES WHOLLY LOCATED IN CERTAIN COUNTIES

SECTION 2. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1915 to read as follows:  
Sec. 214.1915. APPLICABILITY. This subchapter applies only to a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000.

SECTION 3.

Chapter 214, Local Government Code, is amended by adding Subchapter F-1 to read as follows:  
SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN LARGE MUNICIPALITIES AND MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN LARGE COUNTIES

Sec. 214.201. DEFINITIONS. In this subchapter:  
(1) "Alarm system" and "permit" have the meanings assigned by Section 214.191.

CONFERENCE

SECTION 1. The heading to Subchapter F, Chapter 214, Local Government Code, is amended to read as follows:  
SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN MUNICIPALITIES WITH POPULATION OF LESS THAN 40,000 WHOLLY LOCATED IN LESS POPULOUS COUNTIES

SECTION 2. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1915 to read as follows:  
Sec. 214.1915. APPLICABILITY. This subchapter applies only to a municipality with a population of less than 40,000 that is wholly located in a county with a population of less than 500,000.

SECTION 3. Same as Senate version except as follows:

Chapter 214, Local Government Code, is amended by adding Subchapter F-1 to read as follows:  
SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN MORE POPULOUS COUNTIES AND MUNICIPALITIES WITH POPULATION OF 40,000 OR MORE WHOLLY OR PARTLY LOCATED IN LESS POPULOUS COUNTIES

Sec. 214.201. Same as Senate version.

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~~transmits a signal intended to summon police of a municipality in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises].~~

~~(2) - (3)~~

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

*No equivalent provision.*

SENATE VERSION (IE)

*(Unless otherwise indicated, all SECTIONS below are from FA1)*

~~(2) - (3)~~

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

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

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

CONFERENCE

Sec. 214.2015. APPLICABILITY. This subchapter *applies only to:*

*(1) a municipality wholly or partly located in a county with a population of 500,000 or more; and*

*(2) a municipality with a population of 40,000 or more wholly or partly located in a county with a population of less than 500,000.*

Sec. 214.202. Same as Senate version.

Sec. 214.203. Same as Senate version.

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SENATE VERSION (IE)

CONFERENCE

*(Unless otherwise indicated, all SECTIONS below are from FA1)*

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

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

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

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

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

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

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

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

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

**Sec. 214.204. MUNICIPAL PERMIT FEE GENERALLY.**

**(a) If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, the fee shall be used for the general administration of this subchapter, including the provision of responses generally required to implement this subchapter other than specific responses to false alarms.**

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

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

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

Sec. 214.204. Same as Senate version.

**Sec. 214.205. NONRENEWAL OR REVOCATION OF PERMIT; TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.**

Sec. 214.205. Same as Senate version

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CONFERENCE

*(Unless otherwise indicated, all SECTIONS below are from FA1)*

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

(a) Except as provided in Subsections ~~[Subsection]~~ (d) and (e), a municipality may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

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

*No equivalent provision.*

(a) Except as provided by Subsection (d), a municipality may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

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

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

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

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

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

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

Sec. 214.2055. Same as Senate version.

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*(Unless otherwise indicated, all SECTIONS below are from FA1)*

of:

- (1) the date of the signaling of the false alarm;
- (2) the address of the multiunit housing facility where the signaling of the false alarm occurred; and
- (3) the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

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

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

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

Sec. 214.206. Same as Senate version.

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

Sec. 214.197. PENALTIES FOR FALSE ALARMS. (a) A municipality may impose a penalty for the report [signaling] of a false alarm by an alarm systems monitor [a burglar alarm system] if at least three other false alarms have occurred during the preceding 12-month period. The amount of the penalty for the report [signaling] of a burglary false alarm as described by **Section 214.196** may not exceed:

- (1) \$50, if the location has had more than three but fewer than six other burglary false alarms in the preceding 12-month period;
- (2) \$75, if the location has had more than five but fewer than

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

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

Sec. 214.207. Same as Senate version.

- (2) \$75, if the location has had more than five but fewer than



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eight other burglary false alarms in the preceding 12-month period; or

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

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

(c) A municipality:

(1) may impose a penalty for the report of a false alarm by a person not licensed under Chapter 1702, Occupations Code; and

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

(d) A municipality may not impose or collect any fine, fee, or penalty related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

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

Sec. 214.198. PROCEDURES FOR REDUCING FALSE

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*(Unless otherwise indicated, all SECTIONS below are from FA1)*

eight other false alarms in the preceding 12-month period; or

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

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

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

(d) A municipality:

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

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

(e) A municipality may not impose or collect any fine, fee, or penalty, **other than collection fees**, related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

Sec. 214.208. PROCEDURES FOR REDUCING FALSE

CONFERENCE

Sec. 214.208. Same as Senate version.

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ALARMS [VERIFICATION].

*No equivalent provision.*

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

ALARMS. A municipality may require an alarm systems monitor to attempt to contact the occupant of the alarm system location twice before the municipality responds to the alarm signal.

Sec. 214.209. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM RESPONSE. (a) The governing body of a municipality may not adopt an ordinance providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance, the governing body of the municipality:  
(1) makes reasonable efforts to notify permit holders of its intention to adopt the ordinance; and  
(2) conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.  
(b) A municipality that adopts an ordinance under this section may not impose or collect any fine, fee, or penalty otherwise authorized by this subchapter.  
(c) A municipality that adopts or proposes to adopt an ordinance under this section may notify permit holders that a permit holder may contract with a security services provider licensed by the Texas Private Security Board under Chapter 1702, Occupations Code, to respond to an alarm. The notice, if given, must include the board' s telephone number and Internet website address.

Sec. 214.209. Same as Senate version.

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

Sec. 214.210. Same as Senate version.

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(1) affects the priority or level of response provided by a municipality to a permitted location; or  
(2) waives the governmental immunity provided by law for a municipality.

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

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

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

Sec. 214.201. **EXCEPTIONS FOR CERTAIN ALARM SYSTEMS.** (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may, ***without permission or exception of the municipality,*** elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property.

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

- (1) may not impose a fee to obtain a permit to use the alarm system;
- (2) may impose a fee, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and
- (3) may not impose or collect any other fine, fee, or penalty related to the alarm system.

*No equivalent provision.*

Sec. 214.2105. **EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER.** (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property. ***A municipality may adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made under this section.***

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

- (1) may not impose a fee to obtain a permit to use the alarm system;
- (2) may impose a fee ***on the property owner,*** not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and
- (3) may not impose or collect any other fine, penalty, or fee, ***other than a collection fee,*** related to the alarm system.

SECTION 4. With respect to a municipality subject to Subchapter F-1, Chapter 214, Local Government Code, as

Sec. 214.2105. Same as Senate version.

SECTION 4. Same as Senate version.

**House Bill 2162**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

*(Unless otherwise indicated, all SECTIONS below are from FA1)*

added by this Act, that on the effective date of this Act is a party to a contract with a third party to provide alarm system services, the changes in law made by this Act apply beginning after the date the contract, including any renewals, is terminated or expires by the contract's own terms. During the period a contract described by this section is effective, the municipality described by this section is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 10. *This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.*

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

SECTION 5. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 30, 2015**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2162** by Simmons (Relating to regulation of the use of alarm systems in certain municipalities; authorizing a municipal fee.), **Conference Committee Report**

<b>No fiscal implication to the State is anticipated.</b>
-----------------------------------------------------------

The bill would amend the Local Government Code to permit certain municipalities to regulate burglar alarm systems. The bill would require a municipal ordinance to use permit fees for the general administration of the subchapter if the ordinance adopted required such fees. Under the provisions of the bill, a permit fee would not be permitted to exceed \$50 for a residential location and \$250 for other alarm system locations. The bill would prohibit a municipality from terminating a law enforcement response because of excess false alarms if the false alarm fees are paid in full. The bill would prohibit a municipality from refusing to issue an alarm system permit for a residential location solely because the location is an individual residential unit located in a multiunit housing facility. The bill establishes criteria for responding to alarms and penalties associated with false alarms. The bill specifies that a municipality that does not respond to an alarm is not liable for damages that may occur. The bill would permit a property owner or agent to elect to exclude the city from receiving an alarm signal by an alarm system located on the property owner's property.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KVe, SD, EK

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on HB 2162 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Ron Summers  
(name)

5-30-15  
(date)