

## **BILL ANALYSIS**

Senate Research Center

H.B. 3140  
By: Hughes (Armbrister)  
Business & Commerce  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

S.B. 1252 in the 78th Legislature, Regular Session, 2003, amended the Occupations Code to reflect advances in security alarm system technology. This legislation created unintended consequences affecting the electronic access control industry. Ultimately, some aspects of door and access machinery unintentionally came under regulation of the Private Security Bureau (PSB).

H.B. 3140 amends the Occupation Code to provide an exemption from private security regulation for a manufacturer, distributor, or installer of an electronic control device that operates for the sole purpose of providing convenient and restricted access through a garage door or gate, such as an automatic garage opener or automatic gate for a private entrance. H.B. 3140 clarifies the scope of the PSB's regulation in the security area.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1702.002, Occupations Code, by amending Subdivisions (1) and (6-a), and adding Subdivision (1-a), as follows:

(1) Redefines "alarm system" to include archived images and monitoring by security personnel or services.

(1-a) Provides that the term "alarm system" does not include certain entry systems, operators, or accessories for the purposes of Subdivision (1).

(6-a) Redefines "electronic access control device" to include a telephone entry system, that is not monitored by security personnel or services. Sets forth specific components not included in the definition.

SECTION 2. Amends Section 1702.324(b), Occupations Code, to provide that this chapter does not apply to a manufacturer or a manufacturer's authorized distributor who sells equipment intended for resale and does not perform any other service that requires a license under this chapter, rather than a manufacturer or a manufacturer's authorized distributor who sells equipment to a license holder or registrant that is used in the operations for which the person is required to be licensed or registered.

SECTION 3. Amends Section 1702.328, Occupations Code, as follows:

Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION. Adds language to provide that this chapter does not apply to a person who sells exclusively by e-commerce or over-the-counter transactions. Makes nonsubstantive changes.

SECTION 4. Effective date: upon passage or September 1, 2005.