HOUSE
RESEARCH
ORGANIZATION bill analysis   5/7/2015

HB 2162
Simmons
(CSHB 2162 by Elkins)

SUBJECT: Amending municipal rules regarding the use of alarm systems

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 5 ayes — Alvarado, R. Anderson, Bernal, Elkins, M. White

                0 nays

                2 absent — Hunter, Schaefer

WITNESSES: For — Jeff Bright, Malcolm Reed, Chris Russell, Texas Burglar and Fire
                Alarm Association; (*Registered, but did not testify*: Kyle Beller, North
                Texas Alarm Association; Chip Bird and Paul Rusch, Texas Burglar and
                Fire Alarm Association)

                Against — Darren Reaman, CEDIA; Kathryn Bruning, City of Houston;
                David Groves; (*Registered, but did not testify*: Jim Sheer, Texas Retailers
                Association)

                On — (*Registered, but did not testify*: Steve Moninger, Texas Department
                of Public Safety)

DIGEST: CSHB 2162 would replace the definition of "alarm system" in the Local
                Government Code with the definition used in the Occupations Code. The
                bill also would set a maximum fee for a municipal permit for a non-
                residential alarm system at $250 a year.

                The bill would allow a municipality to:

                • refuse to respond to a location if it had more than eight false alarms
                  during the last 12 months; and
                • impose a penalty for a false alarm by a person who was not
                  licensed under the Private Security Act.

                The bill also would remove the requirement that an agency of the
                municipality make a determination on the premises inspection within 30

minutes of the alarm notification for it to be considered a false alarm on the alarm report by an alarm systems monitor.

The bill would prohibit a municipality from:

- imposing a penalty for a false alarm after there had been three false alarms in the last 12 months if visual proof of possible criminal activity was provided to the municipality before an agency of the municipality inspected the premises;
- imposing a penalty for a false alarm by a person licensed under the Private Security Act; and
- imposing or collecting any fine, fee, or penalty related to a false alarm or alarm system unless the it was defined in the applicable ordinance.

The bill would allow a property owner or agent authorized to make property decisions to exclude the municipality from receiving an alarm signal from an alarm system located on the owner's property without the permission or exception of the municipality. If the property owner excluded the municipality, the municipality would be:

- prohibited from imposing a fee to obtain a permit to use the alarm system;
- allowed to impose a maximum fee of $250 for each law enforcement response to an alarm system signal that was requested by an alarm systems monitor; and
- prohibited from imposing or collecting any other fine, fee, or penalty related to the alarm system.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS
SAY:

CSHB 2162 would update alarm regulations that have become outdated due to changing technology, changing procedures, and population growth. The bill would increase protections for municipalities by, for instance,

allowing collection of a penalty for false alarms by unlicensed individuals, while setting caps on permit fees and allowing an opt-out provision to protect alarm system owners.

The bill would provide greater flexibility for municipalities to determine whether a signal was a false alarm by removing the constraint that a determination be made within 30 minutes of the alarm notification and by allowing the municipality a reasonable time to make a determination.

The bill would reduce confusion and create consistency between the codes by amending the definition of alarm system in the Local Government Code to reflect the definition in the Occupations Code.

OPPONENTS
SAY:

CSHB 2162 would amount to government overreach and overregulation in the area of alarm systems. The bill also would cause home security monitoring regulations to become confusing for property owners. This is an area that should not be further regulated.