

**PRIVATE SECURITY BOARD**  
**PENDING ADMINISTRATIVE RULES**

As of November 16, 2011

*The following rules or amendments to rules were approved by the Private Security Board at its July 8, 2011 and October 19<sup>th</sup> public meetings. They will be subject to the rulemaking procedures of Government Code Chapter 2001 and Section 1702.0611 of the Occupations Code.*

**RULE §35.47**      **Residential Solicitation**

A license holder or employee of a license holder who offers or attempts to sell regulated goods or services to a homeowner or resident of a home or apartment through direct physical contact, including door to door solicitation, shall:

- a) Carry a department-issued pocket card, or a receipt of registration issued by the department, and present said pocket card or proof of registration for inspection to the homeowner or resident;
- b) Inform the homeowner or resident of the person's name and employer's name;
- c) Provide to the homeowner or resident, at no charge, a document or business card listing the person's name, employer's name, address, phone number, license number, and the department's phone number with instructions on how to contact or file a complaint with the department;
- d) Not approach or solicit a home or residence before the hour of 9:00 A.M. or after the hour of 8:00 P.M., or during any times where a placard is displayed indicating that the homeowner or residential occupant does not wish to be solicited; and
- e) Provide to the local law enforcement agency with primary jurisdiction a written list of all registrants that will be engaging in the door-to-door solicitation of its residents before any solicitation occurs. The licensed company shall update the information provided to the above-referenced agency if there are any changes to the list. This notification can be made via fax, email, regular mail, or by hand delivery to the agency. This notification shall include the company name and department-issued license number.

**§35.63 Photographs**

~~Photographs required by the Act shall be in color and shall show a facial likeness of applicants. Photographs placed on pocket cards shall have been taken within six months prior to the issuance of the card and be 1" x 1 1/4" in size.~~ must comply with the following:

Applicants shall submit two identical photographs of the applicant to the department. The photographs must be un-retouched color prints. Snapshots, vending machine prints, and full length photographs will not be accepted. The photographs must be 2 inches by 2 inches in size and printed on photo quality paper. The photographs must be taken in normal light, with a contrasting white, off-white, or blue background. The photographs must present a good likeness of the applicant taken within the last six months. Unless worn daily for religious purposes, all hats or headgear must be removed for the photograph and no item or attire may cover or otherwise obscure any facial features (eyes, nose, and mouth). Eyeglasses must be removed for the photograph. The photographs must present a clear, frontal image of the applicant and include the full face from the bottom of the chin to the top of the head, including hair. The image of the applicant must be between 1 and 1-3/8 inches. Only the applicant may be portrayed. Photographs in which the face of the person being photographed are not in focus will not be accepted. Upon development of an interface allowing the Regulatory Services Division to access the photographs on file with the Driver License Division system or development of other electronic means to obtain the applicant's photograph, applicants may not be required to submit printed photographs.

**§35.70 Fees**

(a) Pursuant to Section 1702.0062 of the Act, the Board adopts the following fee schedule:

Class A license (original and renewal).....	\$350
Class B license (original and renewal).....	\$400
Class C license (original and renewal).....	\$540
Class T license (original and renewal).....	\$2,500
Assignment of license.....	\$150
Branch office certificate and renewal.....	\$300
Change name of license.....	\$75
Delinquency fee (post-expiration renewal penalty).....	\$30
Duplicate pocket card.....	\$10
Employee information update fee.....	\$15
FBI fingerprint check.....	\$25
Letter of authority fee for private business and political subdivision.....	\$400
Letter of authority renewal fee for private business and political subdivision.....	\$225
Personal protection officer authorization.....	\$50
Preliminary background check and evaluation letter.....	\$100
Pocket card endorsement (add or delete).....	\$20
Reinstate suspended license.....	\$150
Registration fee for alarm systems monitor.....	\$30
Registration fee for dog trainer.....	\$30
Registration fee for employee of license holder.....	\$30
Registration fee for noncommissioned security officer (original and renewal).....	\$30
Registration fee for owner, officer, partner, or shareholder of a license holder.....	\$50
Registration fee for private investigator, manager, branch office manager, locksmith, electronic access control device installer, and alarm systems installer (original and renewal).....	\$30
Registration fee for security consultant.....	\$30
Registration fee for security salesperson.....	\$30
School instructor fee (original and renewal).....	\$100
Security officer commission fee (original and renewal).....	\$50
Training school and CE school approval fee (original and renewal).....	\$350

(b) The fees submitted to the board shall be the same as above unless otherwise specified in

Article V of the General Appropriations Act in accordance with §316.043 of the Texas Government Code, whether for an original application, renewal, reciprocal or provisional license, registration, endorsement, or security officer commission.

- (c) Fees collected by the board are neither refundable nor transferable.
- (d) Payment of fees shall be made by licensed company check, cashier's check, or money order or by an attorney on behalf of his client paid on the attorney's trust fund account. Should the company check be returned for insufficient funds, the applicant must promptly make payment by cashier's check or money order. If prompt payment is not made in this manner, the application will be abandoned as "incomplete". If the license was issued prior to notification of the insufficiency of funds, and proper payment is not promptly made, revocation proceedings will be initiated under Section 1702.361.
- (e) Original fees shall not be prorated. The full license fee shall accompany all applications for original license.
- (f) Upon completion of development and production of the department's new hard plastic pocket card, an additional fee of \$5.00 will be charged for any new application or renewal requiring the new card.**

### **35.93 Penalty Range**

The board hereby adopts the following as guidelines for administrative penalties to be used in proceedings under Subchapter Q of the Act (§1702.401 et seq.) for violations of the Act and these rules. The following fines are to be construed as maximum penalties only. In assessing fines, Department personnel are encouraged to consider the factors provided in Section 1702.402.

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**Violation of Rule 35.47, Residential Solicitation -- \$1,000.00 per violation**

### **§35.221 Qualifications for Investigations Company License**

- (a) Pursuant to Section 1702.114 of the Act, the Board has determined that an applicant for licensure as a private investigations company (as owner), or the prospective manager of the applicant company, must have met one of the following qualifications:
  - (1) Three consecutive years of investigation-related experience;
  - (2) A bachelor's degree in criminal justice;
  - (3) A bachelor's degree, with an additional six months of investigation-related experience;

- (4) An associate degree in criminal justice or related course of study, with an additional twelve months of investigation-related experience; or
  - (5) A specialized course of study directly designed for and related to the private investigation profession, taught and presented through affiliation with a four-year college or university accredited and recognized by the State of Texas. This course of study must be endorsed by the four year college or university's department of criminal justice program and include a departmental faculty member(s) on its instructional faculty. This course of study must consist of a minimum of two hundred ~~face-to-face classroom~~ **instructional** hours including coverage of ethics, Private Security Board administrative rules, the Private Security Act, and related statutes.
- (b) Other combinations of education and investigation-related experience may be substituted for the above at the discretion of the ~~Bureau manager~~ **Board or its designated representative**.
  - (c) The bachelor's degrees, associate degrees and specialized courses referenced in section (a) of this rule must be affiliated with a college or university recognized by the Texas Higher Education Coordination Board, Southern Association of Schools and Colleges or other accreditation organization recognized by the State of Texas.

**§35.256 Application for a Training Instructor Approval**

- (a) An application for approval as an instructor shall contain evidence of qualification as required by the board. Instructors may be approved for classroom and/or firearm training. An individual may apply for approval for one or both of these categories. To qualify for a classroom or firearm instructor approval the applicant ~~for approval~~ must submit acceptable **and reasonably current** certificates of training for each category. The classroom instructor and firearm certificates shall ~~each have~~ **represent a combined** ~~consisted~~ of a minimum of 40 hours of board approved instruction.
- (b) Proof of qualification as a classroom instructor shall include, but not be limited to:
  - (1) an instructor's certificate issued by Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE);
  - (2) an instructor's certificate issued by federal, state, or political subdivision law enforcement academy **agency approved by the manager**;
  - (3) an instructor's certificate issued by the Texas Education Agency; **and**
  - (4) an instructor's certificate relating to law enforcement, private security, or industrial security issued by a junior college, college, or university; **or**
  - (5) a Concealed Handgun Instructor Certificate issued by the department**
- ~~(e) In addition to the proof of qualification, a classroom instructor shall complete the Level III Instructor's 24 hour training course and submit completion certificate to the bureau.~~

(d) Proof of qualification as a firearm training instructor shall include, but not be limited to:

- (1) an instructor's certificate issued by the Law Enforcement Activities Division of the National Rifle Association (NRA);
- (2) an instructor's certificate issued by TCLEOSE; **and**
- (3) a firearm instructor's certificate issued by a federal, state or political subdivision law enforcement agency approved by the manager; **or**
- (4) a Concealed Handgun Instructor Certificate issued by the department.**

(e) A letter of approval from the board shall be issued to each approved instructor and shall be valid for a period of one year. The instructor's approval may be renewed during the month preceding the month in which the approval expires for a period of one year after expiration, upon application to the board and payment of the renewal fee.

(f) The board may revoke or suspend an instructor's approval or deny the application or renewal thereof upon evidence that:

- (1) The instructor or applicant has violated any provisions of the Act or this chapter;
- (2) The qualifying instructor's certificate has been revoked or suspended by the issuing agency;
- (3) A material false statement was made in the application; or
- (4) The instructor does not meet the qualifications set forth in the provisions of the Act and this chapter as amended.