

TEXAS DEPARTMENT OF PUBLIC SAFETY



REGULATORY SERVICES DIVISION

FY2019 Annual Regulatory Report

Revision Date: September 2020



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1. EXECUTIVE SUMMARY

The Regulatory Services Division (RSD) provides effective oversight of regulated programs as authorized by the Texas Legislature and uses a three-strategy approach: 1) Issuance 2) Modernization and 3) Compliance and Enforcement.

The Regulatory Services Issuance section is responsible for issuing regulatory licenses and permits, and for tracking the number of license and permit holders. Regulatory Services Issuance ensures the integrity of regulatory programs through a rigorous licensing process, which includes receiving and reviewing license and permit applications and ensuring compliance with applicable policies, codes, and statutes.

The Regulatory Services Modernization section is responsible for improving the operational efficiency and delivery of regulatory services to customers through re-engineered business processes and the implementation of improved technological solutions.

The Regulatory Services Compliance and Enforcement section is responsible for auditing program licensees and permit holders for compliance with applicable state and federal regulations. The section reviews complaints from the public and monitors and analyzes program data to detect potential criminal or administrative violations. If warranted, investigations are conducted, administrative penalties are assessed, and criminal prosecutions are pursued.

RSD maintains LENS-focused regulatory services (lean, efficient, nimble, and scalable) to improvise and adapt to an ever-changing environment to provide services to citizens and legislative demands. In a LENS business model, services and employees are organized by function, rather than by program, which helps to eliminate duplication of effort and increase efficiencies. For example, RSD application staff can process permits and licenses for all regulatory programs. This allows team members to easily redirect to programs experiencing high volume to maintain processing time effectively.

2. CALCULATION DEFINITIONS

The reporting period is calculated as Fiscal Year 2019, from September 1, 2018 through August 31, 2019.

2.1. LICENSES ISSUED

The number of licenses issued under the program during the reporting period.

i DEFINITION

The figure reflects the number of new and renewal program licenses issued during the reporting period.

2.2. COMPLAINTS

The number and types of complaints received and resolved by the Department during the reporting period.

i COMPLAINT DEFINITION

A complaint is defined as any formal written statement received from a member of the public providing facts or cause for action against a licensed/authorized person or business, or a person/business working without a license in a program regulated by the Regulatory Services Division.

ii RECEIVED AND RESOLVED

Complaints are documented on the day received by the Department through an electronic form, email, fax, or the United States Postal Service.

RSD investigates complaints, and records are documented as closed on the day the Division disposes of the complaint. Complaint disposition points include: closed for insufficient evidence, no violations found during the investigation, administrative violations found and notification sent to the subject, or criminal violations are found and referred to law enforcement for further investigation.

2.3. INVESTIGATIONS CONDUCTED

The number of investigations conducted by the Department during the reporting period.

i DEFINITION

This is a cumulative number reflecting investigations resulting from received complaints, violations found during a routine inspection, leads from law enforcement, reviewing program metrics such as Vehicle Inspection Clean Scan analysis, and investigation requests received from other agencies. Since an investigation can be conducted without a complaint (i.e., violations found during a routine inspection or reviewing program metrics), it is important to note that the number of complaints and investigations conducted will not always match in this report.

2.4. DISCIPLINARY ACTIONS

The number and types of disciplinary actions taken by the Department during the reporting period.

i DEFINITION

This calculation reflects all the disciplinary actions taken by the Division during the reporting period. An action is defined as formal notification to the subject of violations of program statute or administrative rules. Disciplinary actions taken can be the outcome of a complaint, inspection, investigations, background report, and notice of arrest or ineligibility to remain a licensee. Since disciplinary action can be taken without a formal investigation such as cases where a licensee becomes ineligible, it is important to note that the number of disciplinary actions may not match the number of complaints or investigations in this report.

Disciplinary action types in the report include advisory notices, cease and desist, fine, reprimand, revocation, or suspension.

3. CAPITOL ACCESS PASS

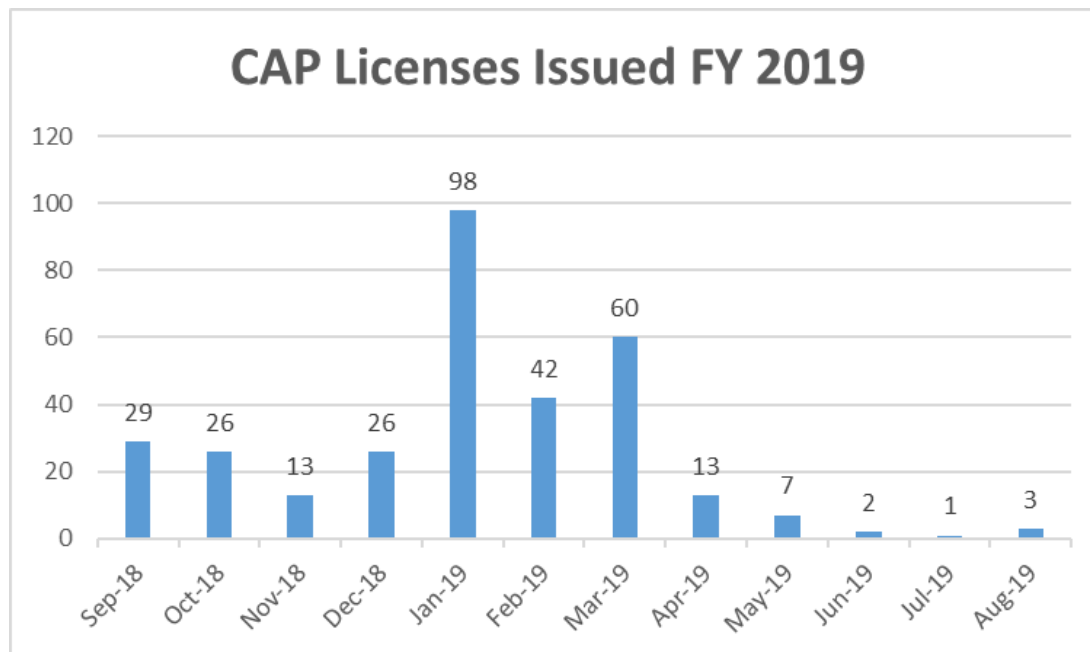
3.1. OVERVIEW

The Regulatory Services Division oversees the Capitol Access Pass (CAP) expedited access program under the authority of the Texas Government Code, Chapter 411, and the related administrative rules (37 TAC Part 1, Chapter 2).

The CAP program provides expedited access to the Texas State Capitol through the main public entrances. Approved applicants gain access to the Capitol by presenting their Texas Driver License or Texas ID card at the line designated for CAP and handgun license holders.

3.2. LICENSES ISSUED

In 2019, the Regulatory Services Division issued 320 individual licenses.



3.3. COMPLAINTS

In 2019, the Regulatory Services Division received no complaints about the Capitol Access Pass program.

3.4. INVESTIGATIONS CONDUCTED

In 2019, the Regulatory Services Division conducted no investigations.

3.5. DISCIPLINARY ACTIONS

In 2019, the Regulatory Services Division issued five formal disciplinary actions: one revocation and four suspensions.

4. COMPASSIONATE USE PROGRAM

4.1. OVERVIEW

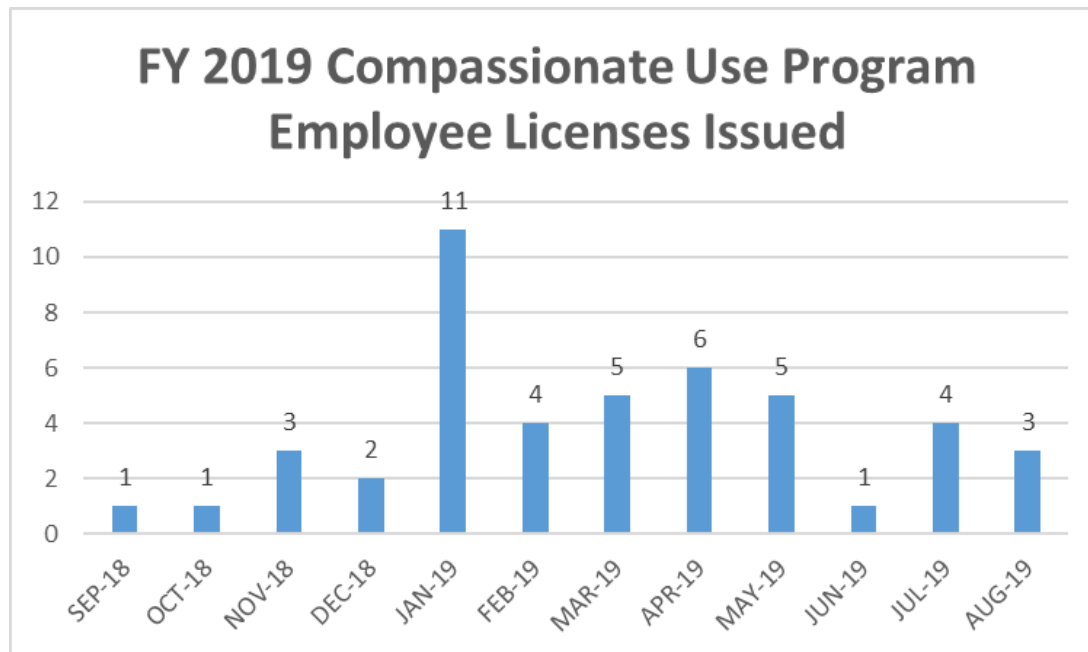
The Regulatory Services Division regulates dispensing organizations and their employees associated with the Compassionate Use Program, which allows the medical use of low-THC cannabis for specific medical conditions.

In 2015, the 84th Texas Legislative Session enacted the Texas Compassionate Use Act ([Senate Bill 339](#)), requiring the Department of Public Safety to create a secure registry of physicians treating intractable epilepsy patients with low-THC cannabis.

In 2019, the 86th Texas Legislature expanded the program to include additional medical conditions and physician specialties for which low-THC cannabis may be prescribed. The Compassionate Use Registry of Texas (CURT) system has undergone the necessary modifications to allow additional physician specialty registrations and support patient prescriptions for these additional conditions ([House Bill 3703](#)).

4.2. LICENSES ISSUED

In 2019, the Regulatory Services Division issued 46 employee licenses and had three active dispensing facilities.



4.3. COMPLAINTS

In 2019, the Regulatory Services Division received two complaints, and both resulted in no action due to insufficient evidence or no violation found.

4.4. INVESTIGATIONS CONDUCTED

In 2019, the Regulatory Services Division conducted two investigations: one was closed with no violation found, and one was referred to another agency.

4.5. DISCIPLINARY ACTIONS

In 2019, the Regulatory Services Division did not take any formal disciplinary action against a licensee.

5. IGNITION INTERLOCK DEVICE

5.1. OVERVIEW

The Regulatory Services Division regulates the service providers of ignition interlock devices for citizens who are court-ordered to have a device installed.

The Texas Transportation Code [§521.2476](#) requires DPS to establish minimum standards for vendors of Ignition Interlock Devices (IID) who conduct business in Texas and procedures to ensure compliance with those standards, including procedures for the inspection of a vendor's facilities.

5.2. LICENSES ISSUED

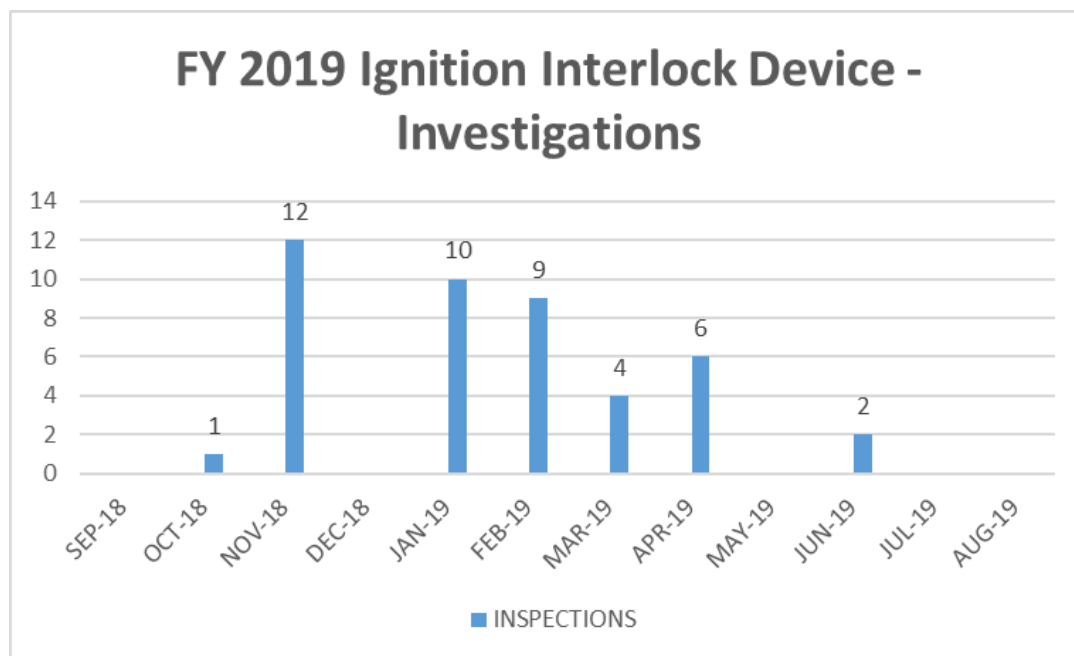
In FY2019, there were 733 certified Ignition Interlock Service Centers in Texas. In FY2020, the statute was updated, allowing for two-year expirations of authorizations. Before this change, active service centers were monitored but did not receive authorizations or licenses. Beginning in FY2020, data will reflect initial and renewal authorizations issued.

5.3. COMPLAINTS

In 2019, the Regulatory Services Division received no complaints.

5.4. INVESTIGATIONS CONDUCTED

In 2019, the Regulatory Services Division conducted 44 investigations as a result of inspection findings, and no formal disciplinary action was taken. Service Centers were able to correct deficiencies to comply.



5.5. DISCIPLINARY ACTIONS

In 2019, the Regulatory Services Division did not take any formal disciplinary action against a licensee.

6. PRIVATE SECURITY

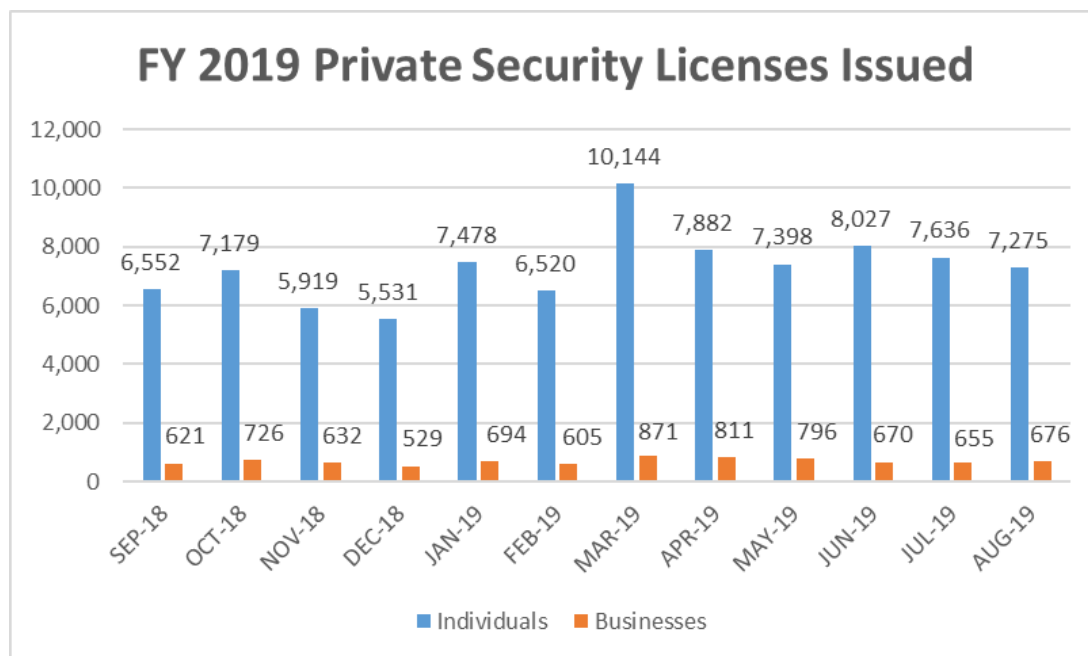
6.1. OVERVIEW

The Regulatory Services Division regulates the private security profession in Texas. The Division protects the public by conducting fingerprint-based background checks on applicants, investigating and resolving complaints, and taking disciplinary action against licensees or seeking criminal prosecution of those who perform private security services without a license.

The private security profession includes armed and unarmed security guards, personal protection officers, private investigators, alarm systems installers and monitors, armored car couriers, electronic access control device installers, and locksmiths. DPS regulates the private security profession under the authority of the Texas Occupations Code, [Chapter 1702](#), and the related administrative rules ([Title 37, Part 1, Chapter 35](#)).

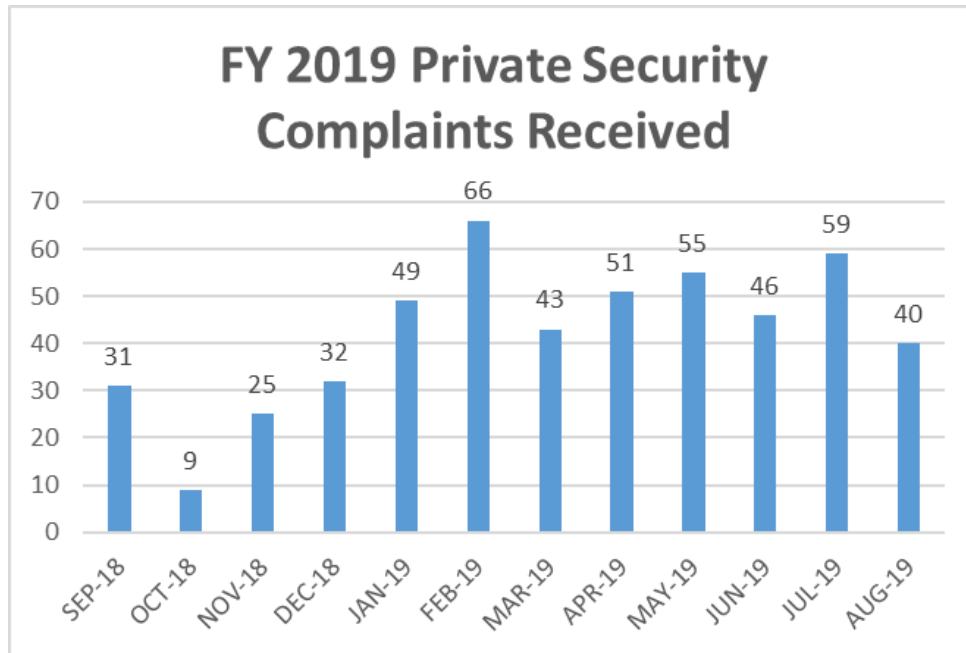
6.2. LICENSES ISSUED

In 2019, the Regulatory Services Division issued 87,541 individual licenses and 8,286 business licenses.



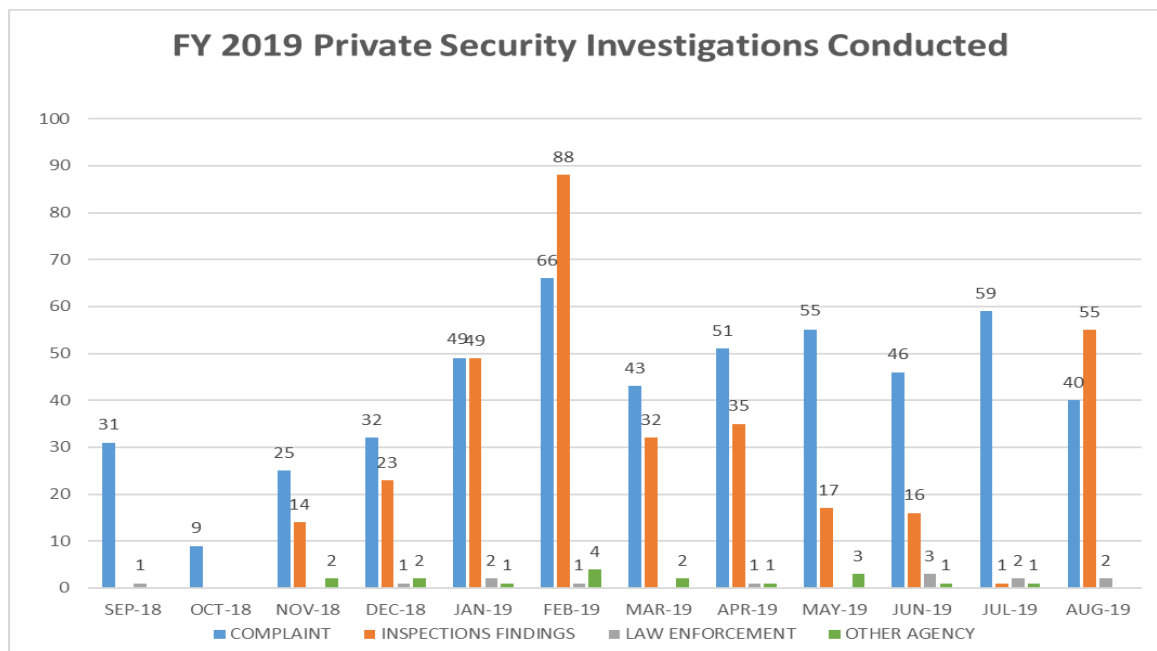
6.3. COMPLAINTS

In 2019, the Regulatory Services Division received 506 complaints: 171 were referred for disciplinary action, nine were referred to law enforcement, and the remainder resulted in no action due to insufficient evidence or no violation found.



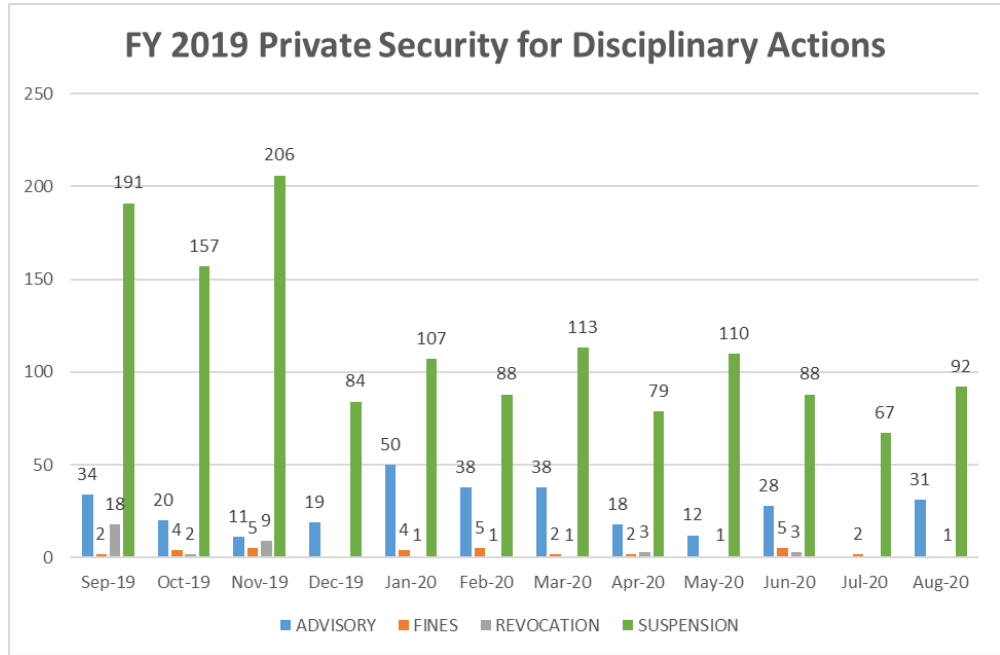
6.4. INVESTIGATIONS CONDUCTED

In 2019, the Regulatory Services Division conducted 866 investigations: 506 from complaints, 330 from inspection findings, 13 from law enforcement, and 17 from other agencies.



6.5. DISCIPLINARY ACTIONS

In 2019, the Regulatory Services Division issued 1,752 formal disciplinary actions: 299 advisory notices, 31 fines, 40 revocations, and 1,382 suspensions.



7. TEXAS METALS PROGRAM

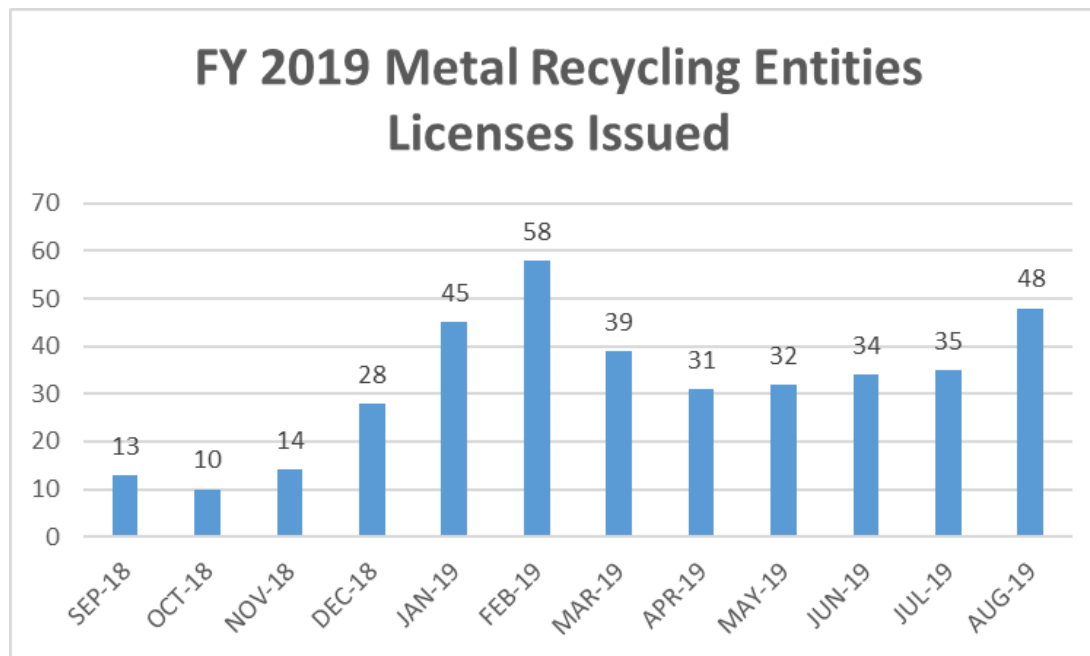
7.1. OVERVIEW

The Regulatory Services Division registers and regulates all Metal Recycling Entities (MREs) in Texas under the authority of the Texas Occupations Code, [Chapter 1956](#), and the related administrative rules ([Title 37, Part 1, Chapter 36](#)).

The division licenses businesses, evaluates the eligibility of applicants through criminal history background checks, oversees transaction record-keeping, and conducts routine inspections to ensure compliance with applicable laws and administrative rules. The Division also provides online training to all MRE owners.

7.2. LICENSES ISSUED

In 2019, the Regulatory Services Division issued 387 licenses.

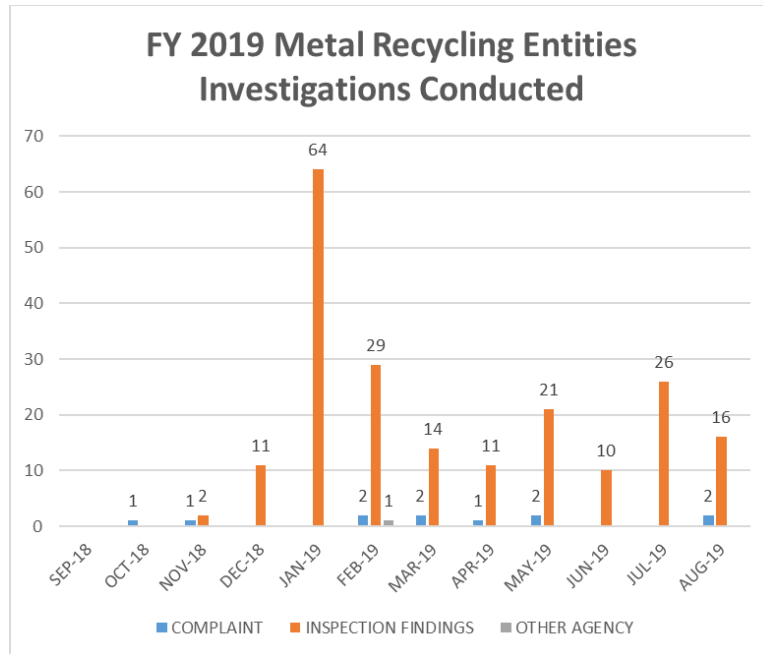


7.3. COMPLAINTS

In 2019, the Regulatory Services Division received 11 complaints: five were referred for administrative action, and the remainder resulted in no action due to insufficient evidence or no violation found.

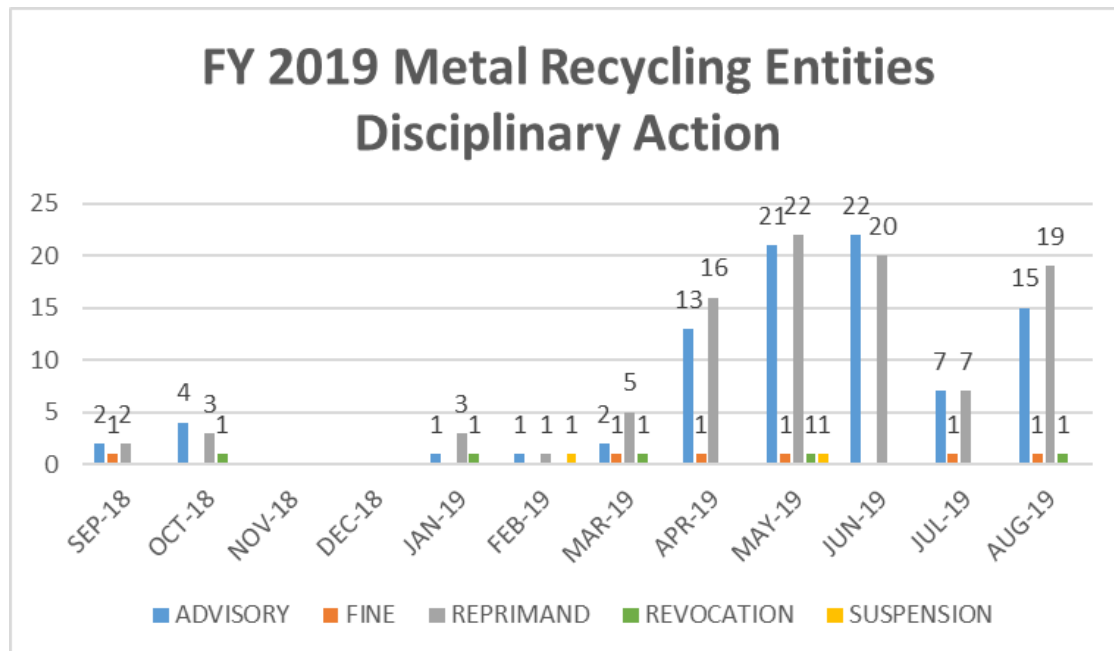
7.4. INVESTIGATIONS CONDUCTED

In 2019, the Regulatory Services Division conducted 216 investigations: 11 from complaints, 204 from inspection findings, and one from another agency.



7.5. DISCIPLINARY ACTIONS

In 2019, the Regulatory Services Division issued 199 formal disciplinary actions: 88 advisory notices, six fines, 98 reprimands, five revocations, and two suspensions.



8. VEHICLE INSPECTION

8.1. OVERVIEW

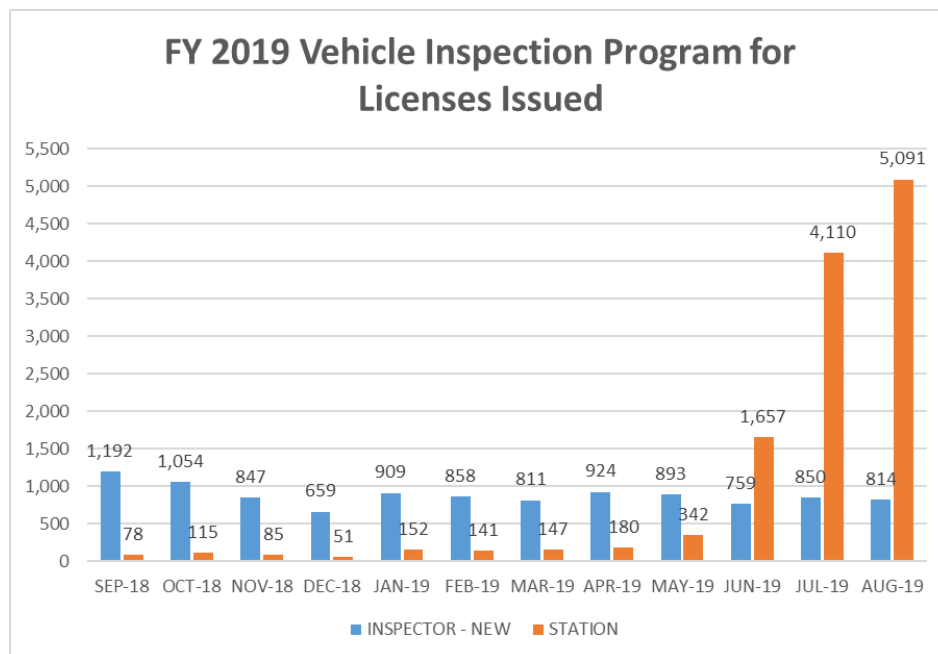
The Regulatory Services Division administers the Vehicle Inspection (VI) program in Texas under the authority of the Texas Transportation Codes, Chapter 547 and 548, and the related administrative rules (Title 37, Part 1, Chapter 23).

The VI program licenses all official vehicle inspection stations and inspectors throughout the state to help keep roadways safe and the environment clean by requiring vehicles to be inspected annually for conditions or defects that might cause traffic collisions and contribute to pollution. Division employees are authorized to take appropriate enforcement action against anyone in violation of Texas laws.

Vehicles registered in Texas are required to pass an annual inspection to ensure compliance with safety standards. While safety inspections are required throughout the state, emissions testing is required of vehicles inspected in 17 Texas counties to comply with federally mandated clean air requirements. Vehicle inspections are performed at Official Vehicle Inspection Stations licensed by DPS.

8.2. LICENSES ISSUED

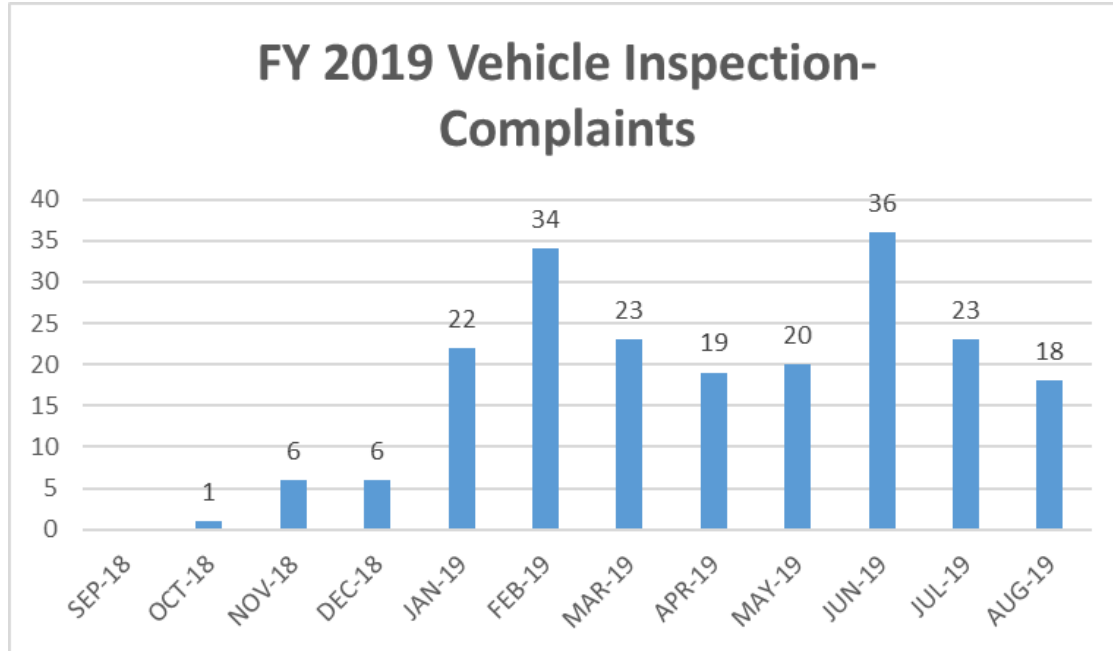
In 2019, the Regulatory Services Division issued 10,570 inspector licenses and 12,149 station licenses.



Note: Inspector licenses expire 8/31 of even number years, and station inspection licenses expire 8/31 of odd number years. The bulk of the renewal applications are submitted in the month of August.

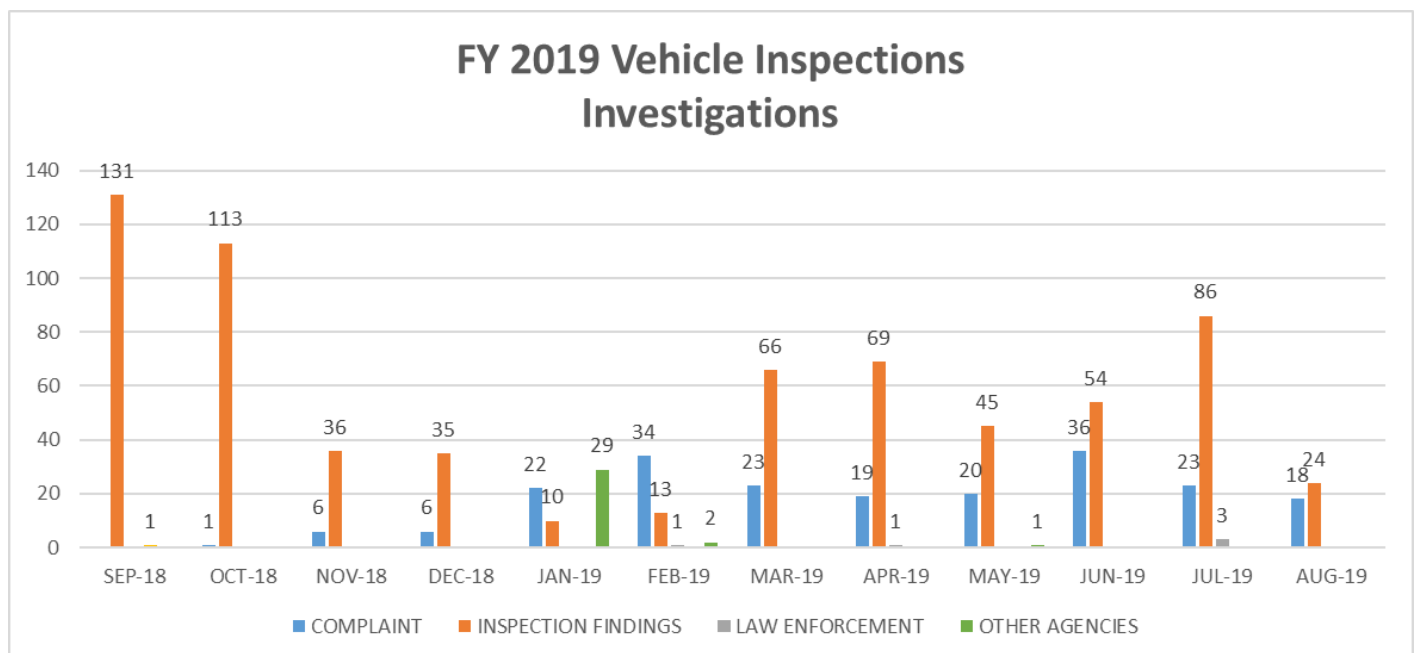
8.3. COMPLAINTS

In 2019, the Regulatory Services Division received 208 complaints: 20 were referred for disciplinary action, one was referred to law enforcement, and the remainder resulted in no action due to insufficient evidence or no violation found.



8.4. INVESTIGATIONS CONDUCTED

In 2019, the Regulatory Services Division conducted 927 investigations: 208 from complaints, 682 from inspection findings, five leads from law enforcement, and 32 from other agencies.



8.5. DISCIPLINARY ACTIONS

In 2019, the Regulatory Services Division issued 1,309 formal disciplinary actions: 66 revocations and 1,243 suspensions.

