

RULE §35.5 STANDARDS OF CONDUCT

[Required by SB 968]

(d) A company license holder may not require a customer provide any documentation certifying that the customer has received a COVID-19 vaccination, or is in post-transmission recovery, to gain entry to the licensee's premises or to receive regulated services from the license holder.

RULE §35.8 CONSUMER INFORMATION AND SIGNAGE

[Clarifying the reference to 'licensee' as referring to companies, not individuals; providing for more general requirement to not mislead or confuse clients]

(a) A **company license holder** licensee shall, either orally or in writing, notify all clients or recipients of services of the license number and the mailing address, telephone number, and email address of the department's Regulatory Services Division for the purpose of directing complaints.

(b) If a **company license holder** licensee chooses to provide the notice required by subsection (a) of this section in written form, the notice shall contain the company's license number, and mailing address, telephone number, and email address of the department, in a type face of the same size as that which appears in the document as a whole but in no case less than ten (10) point font.

(c) All **company license holders** licensees must display conspicuously in the principal place of business and in any branch office a sign containing the name, mailing address, telephone number, and email address of the department's Regulatory Services Division, and a statement informing consumers or recipients of services that complaints against licensees may be directed to the department.

(d) The company's license number must be displayed on any vehicle on which the company name is displayed, and must be in letters and numbers at least one (1) inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color.

(e) A company license holder may not act in a manner to cause reasonable confusion or misunderstanding on the part of a consumer or the public regarding the services provided or to be provided, or charges for those services.

RULE §35.10 EXECUTION OF CAPIAS OR ARREST WARRANT

[Providing standards for conduct of those licensees serving warrants; clarifying authority to take admin action]

(a) A private investigator or commissioned security officer executing a capias or an arrest warrant on behalf of a bail bond surety may not:

- (1) enter a residence without the consent of the occupants;
- (2) fail to clearly identify themselves, both orally and by displaying their pocket card, as a private security officer or private investigator, as applicable, working on behalf of a bail bond surety;
- (3) wear, carry, or display any apparel, uniform, badge, shield, or other insignia or emblem that gives the impression that the private investigator or commissioned security officer is a peace officer;
- (4) brandish, point, exhibit, or otherwise display a firearm at any time, except as otherwise authorized by law or this chapter;
- (5) execute the capias or warrant without written authorization from the surety; or
- (6) notwithstanding Section 9.51, Penal Code, use deadly force.
- (b) A commissioned security officer executing a capias or arrest warrant shall:
 - (1) wear the security officer uniform issued by the employing company; and
 - (2) if armed, carry the handgun openly, in a holster.
- (c) A private investigator executing a capias or arrest warrant may not:
 - (1) wear a uniform or other apparel with the intention of creating the impression of being a security officer or peace officer; or
 - (2) openly carry a handgun, notwithstanding being licensed under Subchapter H, Chapter 411, Government Code or otherwise authorized under state law to possess a firearm.

RULE §35.52 ADMINISTRATIVE PENALTIES

[Clarifying authority to suspend for failure to pay fine without further proceedings; clarifying effect of revocation on subsequent reapplication]

(a) The administrative penalties in this section are guidelines to be used in enforcement proceedings under the Act. The fines are to be construed as maximum penalties only, and are subject to application of the factors provided in Texas Government Code, §411.524.

[Attached Graphic](#) *[see Penalty Schedule at end of this document]*

(b) The failure to pay an administrative penalty that has become final, whether by the passage of the deadline to appeal or by final court disposition, will result in suspension of the license with no further notice or right to appeal. The suspension will take effect upon the passage of the deadline to appeal and will remain in effect until the penalty is paid in full.

(c) A license holder whose license is revoked for an administrative violation may reapply as a new applicant after the second anniversary of the date of the revocation. An application submitted prior to the second anniversary of the date of the revocation will be denied.

(d) A violation of this Chapter or of the Act by a company representative (as defined in §35.1 of this Chapter) acting on behalf of a licensed company will be construed as a violation by the company.

(e) The violation of operating with an expired license applies to operation within the one year grace period to renew. The violation of operating without a license will apply to those operating after the one year grace period.

RULE §35.62 PRELIMINARY HEARING; SETTLEMENT CONFERENCE

[Non-substantive clean up]

(a) A person who receives notice of the department's intention to deny an application for a license, to reprimand, suspend or revoke a license, or to impose an administrative penalty under §35.52 of this title (relating to Administrative Penalties), may appeal the decision by submitting a request to appeal by mail, facsimile, or electronic mail, to the department in the manner provided on the department's Private Security Program website within thirty (30) calendar days after receipt of notice of the department's proposed action. If a written request to appeal is not submitted within thirty (30) calendar days of the date notice was received, the right to an informal hearing or settlement conference, as applicable, under this section or §35.66 of this title (relating to Hearings Before The State Office Of Administrative Hearings) ~~appeal~~ is waived, and the action becomes final.

[Remaining rule language unchanged]

RULE §35.111 EMPLOYEE RECORDS

[Providing for electronic storage of records; clarifying address record requirement; consolidating rules 35.111 and 35.113; clarifying distinction between CE and commissioned training requirements]

Licensees and security departments of private businesses or political subdivisions registered with the department shall keep records of all employees licensed or commissioned under the Act. **Any record required to be maintained under this chapter may be maintained in electronic form, so long as it is readily retrievable and presented to department personnel upon request.** The employee records, detailed in this section, shall be maintained for a period of two (2) years from the last date of employment:

- (1) Full name, date of employment, position, and ~~address~~ **most recent residential address of the employee;**
- (2) Social security number;
- (3) Last date of employment;

- (4) Date and place of birth;
- (5) One photograph;
- (6) The results of any drug tests;
- (7) Documentation of a pre-employment check if required under §35.3 of this title (relating to Individual License Applicant Pre-employment Check); ~~and~~
- (8) All ~~[training]~~ **continuing education certificates or other proof of continuing education credits** earned by the employee while employed by the licensee, private business or political subdivision, **excluding commissioned security officer or personal protection officer training or proficiency certificates; and**
- (9) The current duty assignments and duty stations of any security officers.**

RULE §35.112 BUSINESS RECORDS

[Clarifying application of rule to security departments of private businesses and of political subdivisions; providing for electronic storage and transmission of out of state company records.]

(a) Licensees **and security departments of private businesses or political subdivisions registered with the department** shall maintain copies of the applicable records detailed in this section, or otherwise required under this chapter, for two (2) years from the later of the date the related service was provided or the date the contract was completed:

- (1) All contracts for regulated service and related documentation reflecting the actual provision of the regulated service; and
- (2) Copies of any timesheets, invoices, or scheduling records reflecting the employment dates of any licensed or commissioned employees.

~~(b) If the company has no physical place of business within the State of Texas, the records shall be maintained:~~

- ~~(1) At the office of the registered agent within the State of Texas; or~~
- ~~(2) At any physical location within the State of Texas of an agent or employee of the company.~~

~~RULE §35.113 RECORDS REQUIRED ON COMMISSIONED SECURITY OFFICERS~~

[To be repealed; required content moved to rule 35.111]

~~In addition to any other records required under this chapter, the employer of a commissioned security officer shall maintain and make available for inspection the records detailed in this section:~~

- ~~(1) The current residential address of the officer as reported by the officer;~~

(2) The current duty assignment and location of assignment;

(3) The results of all drug tests administered; and

(4) Documented information on all required training obtained by the officer while employed by the licensee.

RULE §35.143 Training Instructor Approval

[Simplifying proof of experience for certain instructors; case in which difficult or impossible to obtain curriculum or affidavit from employer]

(e) Proof of qualification as a personal protection officer instructor shall include, but not be limited to:

(1) A firearm instructor's certificate issued by TCOLE along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience [may] must include a one page detailed description of the training provided and the schedule or specific dates of classes taught[:

—(A) Affidavit Documentation from employer; or

—(B) A copy of curriculum taught}.

(2) An instructor's certificate issued by federal, state, or political subdivision law enforcement academy along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience [may] must include a one page detailed description of the training provided and the schedule or specific dates of classes taught[:

—(A) Affidavit Documentation from employer; or

—(B) A copy of curriculum taught}.

(3) An instructor's certificate issued by TEA along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience [may] must include a one page detailed description of the training provided and the schedule or specific dates of classes taught[:

—(A) Affidavit Documentation from employer; or

—(B) A copy of curriculum taught}.

(4) An instructor's certificate relating to law enforcement, private security or industrial security issued by a junior college, college or university along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction

experience [may] must include a one page detailed description of the training provided and the schedule or specific dates of classes taught[:

~~—(A) Affidavit Documentation from employer; or~~

~~—(B) A copy of curriculum taught].~~

(5) Evidence of successful completion of a department approved training course for personal protection officer instructors.

RULE §35.145. Handgun Course.

(a) In addition to the firearm qualification requirements as set forth in the Act, a department approved firearm training instructor may qualify a student by using:

(1) The Texas Department of Public Safety Primary Issued Handgun Qualification Course; or

(2) The Texas Department of Public Safety Approved License to Carry Handgun License Course.

(b) All individuals qualifying with a firearm to satisfy the requirements of the Act shall qualify with an actual demonstration by the individual of the ability to safely and proficiently use the category of firearm for which the individual seeks qualification.

(c) The categories of handguns are:

(1) SA--Semi-automatic; and

(2) NSA--Non semi-automatic.

(d) The SA qualification authorizes the carrying of either semi-automatic or non semi-automatic handguns.

(e) For purposes of this chapter and compliance with Section 1702.1685 of the Act, a firearms instructor who holds a firearms instructor proficiency certificate issued by the Texas Commission on Law Enforcement is a department approved instructor for the limited purpose of the firearm qualification of retired law enforcement officers licensed under the Act as commissioned security officers or personal protection officers. A certificate issued under this subsection need not comply with Section 35.147(b)(3)(A), (B) (with respect to the approval number only), or (C), of this chapter.

§35.161. Continuing Education Requirements.

(g) Commissioned security officers and personal protection officers shall complete six (6) hours of continuing education **by completing the renewal portions of the Level III or IV training course, as applicable. All continuing** ~~[Continuing]~~ education for commissioned security officers and personal

protection officers must be taught by department approved **training** schools and instructors. Commissioned security officers shall submit a firearms proficiency certificate along with the renewal application.

(h) During the first twelve (12) months of initial licensure, alarm system installers must complete the Alarm Level I training. This training consists of sixteen (16) hours of classroom instruction or equivalent online course as approved by the department, with two (2) hours covering the National Electrical Code (NEC) as it applies to low voltage. Alarm systems installer ~~[or alarm systems salesperson]~~ must earn eight (8) hours of continuing education credits in an alarm related field, with one (1) hour covering the National Electrical Code (NEC) as it applies to low voltage, during each subsequent twenty-four (24) month period. This requirement must be satisfied prior to the expiration date of the license and before renewal.

(n) Continuing education courses are only valid if completed within the two year period preceding the license's current expiration date.

§35.162. Continuing Education Schools.

(e) The department may recognize as valid those continuing education credits earned through courses related to the regulated services for which the individual is licensed and offered by:

(1) a local, state, or federal agency,

(2) an institution of higher education,

(3) a local, state, or national non-profit professional or trade association, or

(4) a continuing education school or program recognized by, or licensed with, another state's private security licensing agency,

(f) The course completion certificate or other proof of completion must include the title and date of the course, the name of the entity providing the course, a description of the course sufficient to establish a relationship to the license held, and the number and category of credit hours being claimed. Credits claimed under this subsection may not be used to satisfy the continuing education requirements for commissioned security officers or personal protection officers.

Proposed Penalty Schedule [to be linked as PDF to Rule 35.52]

Violation	1st Action	2nd Action within 2 years	3rd Action within 2 years	4th Action within 2 years
Failure to display required items on uniform — TAC 35.14	\$250	\$500	Suspension, 60 days	Revocation
Failure to establish drug-free workplace policy —TAC 35.13	\$250	\$500	Suspension, 60 days	Revocation
Failing to complete required continuing education – TAC 35.161	\$250	\$500	Suspension, 60 days	Revocation
Failure to notify Department of change in ownership — OCC 1702.129	\$500	\$1000	Suspension, 60 days	Revocation
Failure to notify Department of required information —OCC 1702.129	\$250	\$500	Suspension, 60 days	Revocation
Failure to maintain records — TAC 35.3, 35.111; 35.112	\$250	\$500	Suspension, 60 days	Revocation
Failure to conduct pre-employment check – TAC 35.3	\$250	\$500	Suspension, 60 days	Revocation
Failure to license employee —OCC 1702.386	\$500	\$1000	Suspension, 60 days	Revocation
Failure to license employee -- ineligible individual -- OCC 1702.386	\$1000	Suspension, 60 days	Revocation	
Failure to provide report to client within 7 days— TAC 35.6	\$500	\$1000	Suspension, 60 days	Revocation
Failure to qualify company representative (90 days) — TAC 35.43	\$250	\$500	Suspension, 60 days	Revocation
Comp. Rep. failing to oversee business— TAC 35.41 (company violation)	\$1,000	Suspension, 60 days	Revocation	
Operating while suspended or expired —OCC 1702.101 -- .1025; 1702.361	\$500	\$1000	Suspension, 60 days	Revocation
Operating outside of scope of license —OCC 1702.101 --.1025; 1702.361	\$5000	Revocation		
Failure to present pocket card, valid ID upon request -- TAC 35.5	\$250	\$500	Suspension, 60 days	Revocation
Failure to cooperate with investigation or inspection -- TAC 35.5	\$500	\$1000	Revocation	

Violation	1st Action	2nd Action within 2 years	3rd Action within 2 years	4th Action within 2 years
Consumer information violation -- TAC 35.8	\$250	\$500	Suspension, 60 days	Revocation
Advertising violation -- TAC 35.5; 35.9	\$500	\$1000	Suspension, 60 days	Revocation
Capias or arrest warrant violation – TAC 35.10	\$500	\$1,000	Suspension, 60 days	Revocation
Operating without license – OCC. 1702.101 – 1025; 1702.388	\$5,000	\$5,000	\$5,000	\$5,000
School record violation -- TAC 35.147; .162	\$250	\$500	Suspension, 60 days	Revocation
Firearm violations -- TAC 35.7	\$500	\$1000	Suspension, 60 days	Revocation
Requiring proof of vaccination — TAC 35.5(d)	\$250	\$500	Suspension, 60 days	Revocation