

**Licensing and Registration Service – Private Security**  
**Administrative Rules**  
**Chapter 35**

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## **SUBCHAPTER A DEFINITIONS**

### ***RULE §35.1 Definitions***

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) Client--Any person, individual, firm, association, company, partnership, corporation nonprofit organization, institution, or similar entity, having a contract which authorizes services to be provided in return for financial or other considerations.
- (2) Conflict of interest--A conflict or the appearance thereof, between the private interests and public obligations of an individual, organization, or other legal entity authorized to conduct business pursuant to the Act.
- (3) Board--Means the members appointed by the Governor of Texas to serve as the governing body of the Texas Private Security Board or the staff serving the administration/enforcement needs of that entity.
- (4) Contract--An agreement between a person or company licensed under this Act and a client. Such contracts may be oral or written, or in any combination thereof.
- (5) Conviction--Any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or pronouncement of guilt by judge or jury, and any suspended sentence, judgment, or community supervision, including those judgments of community supervision that have been dismissed or convictions that have been set aside.
- (6) Curriculum--The collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.
- (7) Licensee--Any person defined in the Act that has been granted a license, registration or security officer commission or has filed an application for a license, registration or security officer commissioned by or with the Texas Private Security Board.
- (8) Act--Title 10, Chapter 1702, Texas Occupations Code as amended by the Texas Legislature.
- (9) Shareholder--Means any individual holding stock in a licensee who is actively involved in the normal course of operation and business of the licensee and shall not include those individuals who hold stock in the licensee solely for the purposes of investment.
- (10) Advertisement--For purposes of §35.37 of this title (relating to Information Shown in Advertisements), an advertisement is any printed, digital, or electronic media created or used for the purpose of promoting the regulated business of the licensee.
- (11) Undercover Agent--A person as defined under §1702.240 of the Act, requiring protected identity, during the course and scope of a specific, ongoing, investigation.
- (12) State--means the State of Texas or any political subdivision thereof.
- (13) Maintenance of supervisory position on a daily basis--For purposes of §1702.120, Texas Occupations Code, this phrase requires that the manager have continuous oversight of no more than three (3) companies and two (2) schools, the supervised individuals, or their intermediate

level supervisors, in a manner sufficient to ensure that all supervised individuals are complying with these rules and with the Act.

(14) Employment, Business Activity--These terms, or similar terms or phrases used in the Act or in these rules, are not limited in their meaning to "for profit" enterprises or to work performed for remuneration, but include any provision of services regulated by the Bureau, such as services provided on a volunteer or unpaid basis.

(15) Application-- For all purposes under Chapter 1702, "application" includes an application for the renewal of any registration, commission, or license issued under the Act.

(16) Due Diligence—For purposes of Rule 35.204, the exercise of due diligence may be satisfied through the review of the applicant's non-confidential criminal history on the Department of Public Safety's public website or other commercial website, or by obtaining a criminal history clearance letter from the District Clerk and County Clerk Offices in the applicant's county of residence. This does not prevent an employer from using a more stringent method of determining an applicant's eligibility.

(17) Television Camera or Still Camera System--- For purposes of Section 1702.002 (1) (C), a "television camera or still camera system" refers to any device or system of devices that produces a visual image or series of images that are either recoded, transmitted through an Intranet or Internet Protocol based device, or monitored or viewed by security personnel, for the purposes of private security or surveillance. The phrase does not refer to a television camera or still camera system that is used exclusively:

- (1) for the purpose of viewing and monitoring traffic conditions on public roads;
- (2) to detect motor vehicle violations on public roads;
- (3) for telephone or video conferencing;
- (4) to monitor a manufacturing process;
- (5) for medical purposes, by medical practitioners;
- (6) by a courtroom reporter or videographer for the purposes of recording Depositions or testimony; or
- (7) by a licensed private investigator who installs, operates and maintains Ownership of the system for the purposes of an ongoing investigation.

## **SUBCHAPTER B PROHIBITIONS**

### ***RULE §35.11 Fraudulent Application Prohibited***

Applications submitted to the board are government documents and/or records. A fraudulent application for a license, registration or security officer commission pursuant to the Act is a criminal offense. Applicants that willfully make false statements in making applications for licenses, registrations, or security officer commissions pursuant to the Act, or otherwise commit a violation in connection with such application, will be subject to prosecution.

### ***RULE §35.12 Permitting or Allowing Violations***

Any person who has applied for or been issued a license, registration, security officer commission, instructor approval, school approval, or letter of authority, shall not knowingly permit or allow any person to violate a provision of the Act, rule, or any criminal statute.

### ***RULE §35.13 Return of Equipment***

Licenseses, registrants or commissioned security officers shall surrender immediately on demand or not later than the seventh day after termination of employment, any uniform, badge or other item of equipment owned by the employer or provided by the employer issued to the licensee, registrant or commissioned security officer by an employer.

### ***RULE §35.14 Unlicensed General Contractors or Other Intermediaries***

An unlicensed general contractor or other intermediary may not offer to provide and may not provide a regulated service. Any contract to which an unlicensed general contractor is a party which also involves regulated services must include a licensed subcontractor and must meet the following requirements:

- (a) the offer, bid, or proposal, and any related advertisements, must clearly and conspicuously state that the general contractor or broker is not licensed to perform the service in question, and that the regulated service is to be provided exclusively by a licensed party;
- (b) The contract and any bid or offer to perform a regulated service must identify the licensee by name and licensee number;
- (c) The licensed subcontractor must be an expressed party to the contract; and
- (d) The contract must clearly and conspicuously provided that the licensee is fully responsible for the regulated service and that the unlicensed general contractor will have no involvement in the regulated service.

## **SUBCHAPTER C STANDARDS**

### ***RULE §35.31 Complaint Limitation***

The board shall not accept a complaint against a licensee or an employee if the complaint is filed more than two years after the alleged violation date, except in matters that relate to conviction for a Class B offense or greater or a material misstatement in an application.

### ***RULE §35.32 Date of Licensing, Certification or Acknowledgement***

If an application or written notification is required, the date of licensing, certification, or acknowledgment by the board will be either the receipt date or the date the complete application or written notification is accepted for processing, whichever is later.

### ***RULE §35.34 Standards of Conduct***

- (a) Licensed companies may use the phrase "Licensed by the Texas Private Security Board" on stationery, business cards, and in advertisements, but no licensee shall have a badge, shield or insignia as part of any uniform, identification card or markings on a motor vehicle containing the State Seal of Texas, except those identification and license items that are prepared or issued by the board. No licensee shall use the State Seal of Texas or the seal of the Department of Public Safety to advertise or publicize a commercial undertaking.
- (b) No licensee shall have a badge, shield or insignia as part of any uniform, identification card or markings on a motor vehicle containing the Flag of the State of Texas, except those identification and license items that are prepared or issued by the board. No licensee shall use the Flag of the State of Texas to advertise or publicize a commercial undertaking.
- (c) Licensees shall cooperate fully with any investigation conducted by the Bureau, including but not limited to, providing employee records upon reasonable request by the Bureau or its investigators, and shall comply with any subpoena issued by the Bureau pursuant to §1702.367.

- (d) Commissioned security officers or personal protection officers shall carry only a firearm of the category with which they have been formally trained and of which training documentation is on file with the board. Firearm categories will be shown on the individual's registration card and will be:
- (1)SA: any handgun, whether semi-automatic or not,
  - (2)NSA: handguns that are not semi-automatic,
  - (3) STG: any shotgun.
- (e) No commissioned security officer or personal protection officer shall carry an inoperative, unsafe, replica or simulated firearm while in the course and scope of their employment.
- (f) No commissioned security officer or personal protection officer shall brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law.
- (g) The discharge of a firearm while in the performance of their duty by any person registered, or commissioned by a licensee shall be reported to the Austin office of the board. Notification of the discharge of a firearm shall be in writing within 24 hours of the incident, and shall be faxed by the licensee, or manager. The fax shall be addressed to the manager of the bureau at (512)424-7728. The fax shall include:
- (1) name of the person discharging the firearm;
  - (2) name of the employer;
  - (3) location of the incident;
  - (4) a brief narrative of what happened;
  - (5) whether death, personal injury or property damaged resulted; and
  - (6) whether the incident is being or was investigated by a law enforcement agency.
- (h) No licensee shall engage in any business activity in violation of §38.11 or §38.12 of the Texas Penal Code (Barratry and Solicitation of Professional Employment.)
- (i) Licensees shall not perform any service regulated by the board if a Letter of Summary Suspension or Letter of Summary Denial has been forwarded in accordance with the Act and these rules. After Summary Suspension or Summary Denial, a Letter of Reinstatement must be received by the licensee prior to performing any services regulated by the board.
- (j) All licensees, registrants, commissioned officers, or managers, if arrested, charged, or indicted for a criminal offense above the level of Class C misdemeanor shall within 72 hours notify their employer, and the employer (when notified by the employee or upon other confirmation that an offense has occurred) shall then notify the board by fax at (512) 424-7729 or in writing (including by email) at the Austin office of the board within 72 hours of notification, including the name of the arresting agency, the offense, court, and cause number of the charge or indictment, if any.
- (k) All licensees shall report any name changed by marriage, divorce or other reason to the board within 30 days of the effective date of change. The notice of the change shall be in writing, and shall include a certified copy of the legal document ordering the name change.

- (l) No licensee shall engage in conduct that would constitute a Class C misdemeanor or higher offense under any Texas statute, nor engage or threaten to engage in any act of violence, aggression, destruction of property, or lewd, lascivious, obscene or otherwise offensive behavior, arising from or in any way related to the performance of one's duties or one's employment under the Act, or at any time while wearing a uniform associated with one's employment under the Act or while otherwise representing oneself as acting within the scope of one's duties or employment under the Act.
- (m) When an employee of a licensee is terminated for any conduct as described in §1702.361 of the Act, the licensee shall notify the board of such conduct within 14 days of termination. The notification shall be mailed to the board, to the attention of the Criminal Investigation division. The notification shall include but not be limited to:
  - (1) a completed board complaint form (form#022); and
  - (2) any and all documents or evidence concerning the alleged offense.
- (n) No provider of a regulated activity or service shall engage in any unconscionable action or course of action, or engage in any false, misleading, or deceptive act or practice, as these are defined in §§17.45(5) and 17.46 (respectively) of the Texas Business and Commerce Code.

***RULE §35.35 Standards of Service***

- (a) In accordance with subsection (c) of this section, a licensee shall inform each client he is entitled to receive a written contract that contains the fee arrangement with necessary information covering services to be rendered.
- (b) A written contract for services required to be licensed under the Act shall be furnished to a client within seven days after a request is made for such written contract. The written contract shall contain the fee arrangement, with the necessary information covering services to be rendered.
- (c) A written contract for services requiring a license under the Act shall be dated and signed by the owner, manager, or a person authorized by one or either of them to sign written contracts for the licensed company.
- (d) Each licensee that has a contract to provide services licensed by the board within seven days after entering into a contract for services regulated by the board with another licensee shall:
  - (1) notify the recipient of those services of the name, address, and telephone number, and individual to contact at the company which purchased the contract;
  - (2) notify the recipient of services at the time the contract is negotiated that another licensed company may provide any, all or part of the services requested by sub-contracting or outsourcing those services; and
  - (3) if any of the services are sub-contracted or outsourced to a licensed third party, the recipient of services must be notified of the name, address, phone number and license number of the company providing those services.
- (e) Where the services are those of an alarm system company or monitoring service, the notice required under subsection (d), above, shall:
  - (1) Be mailed to the recipient in a written form that emphasizes the required information; and
  - (2) Include stickers or other materials to be affixed to an alarm system indicating the alarm system company's or alarm systems monitor's new telephone number.



- (f) Subsection (e) shall not apply to an alarm system company that subcontracts its monitoring services to another alarm system company if the following conditions are met:
- (1) The contract for monitoring is with another properly licensed alarm systems company;
  - (2) The contract between the original contracting licensee and the client remains in full force and effect, continues to govern all rights of the client with respect to the provision of alarm services, and remains in the control of the original contracting licensee;
  - (3) Neither the contract information provided to the client, nor the address and telephone numbers for alarm service, have changed as a result of the subcontracting arrangement;
  - (4) The contact information provided to the client relating to the monitoring of the alarm system has not changed.

***RULE §35.36 Consumer Information***

- (a) A licensee shall, either orally or in writing, notify all consumers or recipients of services of the license number and the name, mailing address, and telephone number of the Private Security Bureau for the purpose of directing complaints.
- (b) If a licensee chooses to provide the notice required by subsection (a) of this section in written form, the notification shall contain their license number, the name, mailing address and telephone number of the Bureau, in a type-face of the same size as that which appears in the document as a whole, but in no case less than 10 point size.
- (c) A licensed company must display conspicuously in the principal place of business and any branch office, a sign containing the name, mailing address, and telephone number of the bureau, and a statement informing consumers or recipients of services that complaints against licensees can be directed to the bureau.
- (d) The company 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 inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color.

***RULE §35.37 Information Shown in Advertisements***

Any advertisement by a licensee shall include:

- (1) the company name and address as it appears in the records of the board; and
- (2) the license number of the licensee as issued by the board.

***RULE §35.38 Standards of Reports***

- (a) At the time a contract for services requiring a license under the Act is negotiated, each client shall be informed that he or she is entitled to receive a written report concerning services rendered for which a fee has been tendered by a licensed company.
- (b) A written report shall be furnished by the licensed company to the client within seven days after a written request is received from the client.

### ***RULE §35.39 Uniform Requirements***

- (a) Each commissioned security officer shall, at a minimum, display on the outermost garment the name of the company under whom the commissioned security officer is employed, the word "Security" and identification which contains the last name of the security officer.
- (b) The name of the company and the word "Security" shall be of a size, style, shape, design, and type which is clearly visible by a reasonable person under normal conditions.
- (c) Each noncommissioned security officer shall display in the outermost garment in style, shape design and type which is visible by a reasonable person under normal conditions identification which contains:
  - (1) either the name or board-approved logo of the company under whom the security officer is employed, or the name or the board-approved logo of the business entity with whom the employing company had contracted;
  - (2) the last name of the security officer; and
  - (3) the word "Security."
- (d) No licensee shall display a badge, shoulder patch, logo or any other identification which contains the words "Law Enforcement" and/or similar word(s) including, but not limited to: agent, enforcement agent, detective, task force, fugitive recovery agent or any other combination of names which gives the impression that the bearer is in any way connected with the federal government, state government or any political subdivision of a state government.
- (e) A regular peace officer who maintains full-time employment, and meets the requirements of §1702.322 of the Act, may wear the uniform of the licensed security services contractor (guard company), private business letter of authority, or governmental letter of authority or the official police officer uniform of their appointing law enforcement agency while working private security in Texas.

### ***RULE §35.40 Confidential Information***

- (a) Information that is contained in reports or records held by a licensee, registrant or commissioned security officer that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system or any information pursuant to business activities regulated under Chapter 1702, Texas Occupations Code, is confidential and shall only be disclosed to the board, a law enforcement agency or as otherwise required by state law or court order.
- (b) This section does not apply to and does not require or authorize the licensee, registrant or commissioned security officer to give a client notice of:
  - (1) a demand or inquiry from a municipal, state or federal government agency authorized by law to conduct an examination of certain records;
  - (2) a record request from a municipal, state, or federal government agency instrumentally under statutory or administrative authority that provides for, or is accompanied by, a specific mechanism for discovery and protection of a client record;
  - (3) a record request from or report to a governmental agency arising out of the investigation or prosecution of a criminal offense;
  - (4) a record request by a duly appointed receiver of the client;
  - (5) an investigative demand or inquiry from a state legislative investigative committee; or

- (6) an investigative demand or inquiry from the attorney general of this state as authorized by law other than the procedural law governing discovery in civil cases.

**RULE §35.41 Company Name**

- (a) No entity regulated by Chapter 1702 may use a name that contains the phrase "law enforcement," or substantially similar terms; or any other terms, name or combination of names, or a name for which the acronym is intended to or could reasonably give the impression that the entity is in any way associated with a governmental body or agency, or a branch or political subdivision of any government.

**RULE §35.42 Disqualifying Class B Misdemeanor Offenses**

- (a) Pursuant to the requirement of Section 1702.113(b), the following Class B misdemeanor offenses (as reflected in the Texas Penal Code) are disqualifying for five years from the date of conviction:

- 22.01 Assault (by threat or offensive contact with sports participant)
- 25.04 Enticing a child from lawful custody
- 31.03 Theft (\$50 to \$500)
- 32.41 Issuance of bad check (for child support)
- 32.45 Misapplication of fiduciary property
- 32.46 Securing execution of a document by deception
- 37.08 False report to police officer
- 37.12 False identification as peace officer
- 39.02 Abuse of official capacity
- 39.05 Failure to report death of prisoner
- 42.01 Disorderly conduct (firearm in public place)
- 42.02 Riot
- 42.061 Silent or Abuse Calls to 911 Service

- (b) Pursuant to the requirement of Section 1702.113(b), the following Class B misdemeanors (as reflected in the Texas Penal Code) are disqualifying for five years from the date of conviction, subject to the discretionary authority of the Manager (as delegated by the Board) to consider mitigating circumstances:

- 21.08 Indecent exposure
- 22.07 Terroristic Threat
- 28.03 Criminal Mischief (\$50-\$500)
- 30.05 Criminal Trespass (not habitation)
- 31.12 Theft of or tampering with multichannel video or information services (and conviction)
- 32.52 Fraudulent, Substandard or Fictitious Degree
- 33.02 Breach of computer security
- 33.A.02 Unauthorized use of telecommunications service (less than \$500)
- 33.A.04 Theft of telecommunications service (less than \$500)
- 38.02 Failure to identify (if a fugitive)
- 38.04 Evading arrest or detention
- 42.07 Harassment

- (c) Class B misdemeanors not listed in subsections (a) or (b) are not disqualifying under Section 1702.113, except that:

- (1) Any unlisted offense that is substantially similar in elements to a listed offense is disqualifying in the same manner as the corresponding listed offense;
- (2) Any unlisted Class B misdemeanor offense that was an "attempted" Class A offense is disqualifying, subject to the discretionary review by the Bureau Manager;

- (3) Any unlisted offense that is classified as a Class B misdemeanor as a result of a reduction from a Class A misdemeanor is disqualifying, subject to the discretionary review by the Bureau Manager;
- (4) Subject to review by the Board at the next, regularly scheduled, public meeting, any unlisted offense in which either the elements of the offense or the circumstances surrounding the commission of the offense are such that the Bureau Manager reasonably and in good faith believes that the Board would conclude that the offense should be disqualifying.

### ***RULE §35.43 Military Discharges***

Pursuant to the requirement of Section 1702.113(a), individuals who are discharged from the United States Armed Services under other than honorable conditions or who receive “bad conduct discharges” are disqualified from receiving a license, commission, or registration for the following time periods:

- (a) for five years after the date of discharge if the discharge was based on a criminal offense equivalent to a Class B misdemeanor that would have been disqualifying under Rule 35.42;
- (b) for five years after the date of discharge if the discharge was based on a criminal offense equivalent to a Class A misdemeanor that would have been disqualifying under Rule 35.46;
- (c) for ten years after the date of discharge if the discharge was based on a criminal offense equivalent to a felony that would have been disqualifying under Rule 35.46 (unless subject to subsection (d), below);
- (d) permanently, if the discharge was based on a criminal offense equivalent to an offense that would be permanently disqualifying under Rule 35.46; and
- (e) for five years after the date of discharge if the discharge was for any other reason relating to the occupation for which a license is sought, subject to the discretion of the department.

### ***RULE §35.45 Sex Offender Registrants***

Pursuant to the requirement of Section 1702.3615(c) of the Occupations Code, the following factors will be employed in the Board’s determinations under that provision:

- (1) The age of the applicant at the time of the offense giving rise to the registration requirement;
- (2) The classification of the offense;
- (3) Evidence of rehabilitation or recidivism;
- (4) The amount of time that has passed since the commission of the offense;
- (5) The relationship between the offense and the occupation for which the individual seeks a license, including whether licensure will facilitate the commission of a similar offense.

### ***RULE §35.46 Guidelines for Disqualifying Convictions***

The private security industry is in a position of trust; it provides services to members of the public that involve access to confidential information, to private property, and to the more vulnerable and defenseless persons within our society. By virtue of their licenses, security professionals are provided with greater opportunities to engage in fraud, theft, or related property crimes. In addition, licensure provides those with predispositions to commit assaultive or sexual crimes with greater opportunities to engage in such conduct and to escape detection or prosecution.

Therefore, the Private Security Board has determined that offenses of the following types directly relate to the duties and responsibilities of those who are licensed under the Private Security Act. Such offenses include those crimes under the laws of another state or the United States, if the offense contains elements that are substantially similar to the elements of an offense under the laws of this state. Such offenses also include those “aggravated” or otherwise enhanced versions of the listed offenses.

The following list is intended to provide guidance only, and is not exhaustive of either the offenses that may relate to a particular regulated occupation or of those that are independently disqualifying under Occupations Code Section 53.021(a)(2)-(4). The listed offenses are general categories that include all specific offenses within the corresponding chapter of the Texas Penal Code. In addition, after due consideration of the circumstances of the criminal act and its relationship to the position of trust involved in the particular licensed occupation, the Board may find that a conviction not described below also renders a person unfit to hold a license.

- Arson
- Assault of any type if classified as a Class A misdemeanor or greater under the Texas Penal Code, or similar law of another state
- Blackmail
- Bribery
- Burglary
- Counterfeiting
- Damage to Property
- Embezzlement
- Extortion
- False pretenses
- Forgery
- Fraud- any offense under Penal Code Chap. 32
- Harboring a fugitive from justice
- Kidnapping
- Larceny
- Mail fraud
- Manslaughter - Voluntary
- Murder
- Obstructing Governmental Operation- any offense under Penal Code Chap. 38
- Perjury
- Rape, or Sexual Assault
- Receiving stolen goods
- Robbery
- Sexual Offenses under Penal Code Chap. 21
- Tax evasion (willful)
- Theft
- Transporting stolen property or smuggling

In addition:

- An attempt to commit a crime listed above
- Aiding and abetting in the commission of a crime listed above
- Being an accessory (before or after the fact) to a crime listed above

A felony conviction for one of the above described offenses not also listed in Section 3g, Article 42.12, Code of Criminal Procedure and not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure, is disqualifying for ten years from the date of the completion of the sentence.

A Class A misdemeanor offense for one of the above listed offenses is disqualifying for five years from the date of completion of the sentence.

Conviction for a felony or Class A offense that does not relate to the occupation for which license is sought is disqualifying for five years from the date of commission, pursuant to Occupations Code Section 53.021(a)(2).

Independently of whether the offense is otherwise described or listed above, a conviction for an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure, or that is a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure, or a conviction for burglary of a habitation, is permanently disqualifying.

In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the department may consider the following:

- the extent and nature of the person's past criminal activity;
- the age of the person when the crime was committed;
- the amount of time that has elapsed since the person's last criminal activity;
- the conduct and work activity of the person before and after the criminal activity;
- evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
- any other evidence of the person's fitness provided by the person, including letters of recommendation from:
  - (a) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
  - (b) the sheriff or chief of police in the community where the person resides;
  - (c) any other person in contact with the convicted person; and
- any other evidence considered by the department to be relevant to the person's fitness for the license sought.

In addition to the above documentation, the applicant shall furnish proof in the form required by the Bureau that the applicant has:

- maintained a record of steady employment;
- supported the applicant's dependents;
- maintained a record of good conduct; and
- paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

The failure to provide the above information in a timely manner may result in the proposed action being taken against the application or license.

The provisions of this rule are authorized by Section 1702.004(b) of the Occupations Code, and are intended to comply with the requirements of Occupation Code Chapter 53. The disqualifying offenses provided herein are applicable to all eligibility determinations involving Class A misdemeanors or felonies (previously made under Section 1702.113 of the Occupations Code, prior to the 81<sup>st</sup> Leg. R.S.), and all related licensing actions arising under Sections 1702.361 or 1702.364 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:

- (1) 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;
- (2) Inform the homeowner or resident of the person's name and employer's name;
- (3) 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 instruction on how to contact or file a complaint with the department;
- (4) Not approach or solicit a home or residence during any times where a placard is displayed indicating that the homeowner or residential occupant does not wish to be solicited;
- (5) Comply with any applicable door-to-door solicitation ordinance consistent with state and federal law; and
- (6) 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

## **SUBCHAPTER D SUMMARY SUSPENSION**

### ***RULE §35.51 Stay of Summary Suspension***

- (a) Within three (3) working days after receipt of notice of a summary suspension for a Class B misdemeanor or equivalent offense only, an individual may request a stay of summary suspension by submitting a written request to the manager by mail or by fax at 512-424-7728.
- (b) The written request for a stay of summary suspension must include all of the following:
  - (1) the full name, mailing address, telephone number, fax number, social security number, license number, position with the company, and date of birth of the individual making the written request;
  - (2) the arrest date, time, and location, and the offense title, arresting officer's name and department relating to the offense for which the stay request is made;
  - (3) a statement as to whether the individual making the request for a stay of summary suspension was in the performance of an activity or duties involved in the operation of the individual's company or activities for which a license, board or registration would be required;
  - (4) a detailed account of the circumstances leading up to, and resulting in the requesting individual's arrest;

- (5) an explanation as to why the summary suspension of the individual making the request for a stay would place an undue hardship on the company's continued operation;
  - (6) a statement providing that the information in the written request for a stay of summary suspension is true and correct; and
  - (7) any additional information requested by the manager.
- (c) Upon receiving a written request for a stay of summary suspension, the manager may, at his discretion, consider the request under the following conditions:
- (1) the Class B misdemeanor offense does not involve violence, theft or fraud, as outlined in Board Policy 2001-01;
  - (2) circumstances of the individual's arrest; and
  - (3) any other information as may be required by the manager.
- (d) If, in the discretion of the director, a stay of the summary suspension is granted, the requesting individual will be notified in writing by the manager within two working days after the request is received by the manager.
- (e) No stay of summary suspension shall be effective until and unless the requesting party has received written confirmation of the stay from the manager.
- (f) No stay of summary suspension shall remain in effect beyond the date of the next called meeting of the board following the request for a stay at which time the board members will consider the disposition of the matter. No continuance shall be granted.

## **SUBCHAPTER E GENERAL ADMINISTRATION AND EXAMINATIONS**

### ***RULE §35.60 Guard Company Manager Requirements***

- (a) All applicants for registration as manager of a guard company must be at least 21 years of age at the time of application.
- (b) All such applicants must have at least three years accumulated employment experience in the field in which the applicant's prospective employer is licensed, and must have at least one year of experience in a managerial or supervisory position.

### ***RULE §35.61 Written Examination***

- (a) All applicants for registration as manager must pass a written examination administered by the Private Security Bureau.
- (b) The passing grade of a written examination shall be determined by the Bureau Manager.
- (c) The written examination may cover any sections of the Act and these rules determined by the Bureau Manager to be relevant to the management of a regulated entity.
- (d) Before being administered the written examination, the applicant must:
  - (1) present a valid identification card which contains a photograph upon request;
  - (2) report 30 minutes prior to the examination time; and
  - (3) comply with all the written and verbal instructions of the proctor.



(e) During an examination session, applicants shall not:

- (1) bring any books, or other written material related to the content of the examination into the examination room;
- (2) refer to, use, or possess any such written material in the examination room;
- (3) give or receive answers or communicate in any manner with another examinee during the examination;
- (4) communicate any of the content of an examination to another at any time;
- (5) steal, copy, or in any way reproduce any part of the examination;
- (6) engage in any deceptive or fraudulent act either during an examination or to gain admission to it;
- (7) solicit, encourage, direct, assist, or aid another person to violate any provision of this section; or
- (8) disrupt the examination session.

(f) The time limit for examination will be determined at the discretion of the Bureau manager.

#### ***RULE §35.62 Reexamination Fee***

Any examination, other than the one examination authorized by payment of the original license fee, shall be considered a reexamination and the reexamination fee shall be \$100.00.

#### ***RULE §35.63 Photographs***

Photographs required by the Act 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 is 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.

#### ***RULE §35.64 Fingerprint Cards***

- (a) All fingerprint cards required by the Act shall be fingerprint cards approved by and obtained from the board. Except as provided for in §35.20 of this chapter (relating to Fingerprints), two fingerprint cards shall be submitted for each applicant. All blank spaces shall be completed and the cards shall be signed by the applicant and the person taking the prints.
- (b) Applicants who have had fingerprints rejected on three separate attempts may appeal to the manager in writing for a waiver, which the manager may grant under conditions deemed appropriate.

***RULE §35.65 Assumed Name Requirements***

- (a) All applicants doing business under an assumed name shall submit a certificate from the county clerk of the county of the applicant's residence showing compliance with the assumed name statute.
- (b) Corporations using an assumed name shall submit a certificate from the Texas Secretary of State and the county clerk of the county of the applicant's residence showing compliance with the assumed name statute.

***RULE §35.66 Verification of Corporations***

Applicants that are corporations shall submit a current certificate of existence or a certificate of authority from the Texas Secretary of State.

***RULE §35.67 Assignment Under Class***

When a Class A license or a Class B license is assigned to a Class C license, a fee in the amount of the difference in the cost of the licenses shall be paid to upgrade the license. There shall be no refund when a Class C license is assigned to a Class A or Class B license. This fee is in addition to the regular assignment of a license fee.

***RULE §35.68 Procedure for Termination of License or Branch Office License***

- (a) An owner or qualified manager shall:
  - (1) submit a written request to the board to terminate the license; and
  - (2) not be required to pay a fee to terminate a license.
- (b) Once terminated, a license shall not be reinstated.

***RULE §35.69 Assignment to Spouse or Heirs***

The board may approve the assignment of a license to the spouse or heir(s) of a deceased provided:

- (1) a certified copy of the owner's death certificate is filed with the board;
- (2) a certified copy of the Will, Order Admitting Will to Probate, Letters of Testament, or Order of Heirship is filed with the board; and
- (3) in the case of the death of a qualified manager, that a replacement manager is qualified within 90 days.

## **RULE §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.

***RULE §35.71 Operation without Manager***

- (a) When a qualified manager of a licensee has terminated or has been terminated from his position as manager, and the board has been timely notified of the termination in writing within 14 days of the termination, the business shall be operated by an owner, officer, partner or shareholder. No license shall be operated without a manager for a period exceeding 60 days after the date of the previous manager's termination.
  
- (b) In the event that summary action has been taken against the manager, the period of temporary operation (if applicable) shall run from the effective date of that action. Section 1702.121 (b) should be interpreted in this manner, and to require only the termination of the manager in the capacity as manager.

***RULE §35.72 Fingerprints***

- (a) All applicants for any license, registration, security officer commission, permit or approval issued by the board shall submit two sets of classifiable fingerprints on fingerprint cards approved by the board or electronically through a contractor approved by DPS, along with any required fees to the board for the purpose of a criminal history check.

***RULE §35.73 Change of Expiration Date of License***

A licensee desiring to change the expiration date of his license may make such a request to the board during the renewal period as defined in §1702.302 of the Act.

- (1) The expiration date desired shall be the last day of any of the 12 months in a calendar year.
  
- (2) The renewal fee shall be prorated on a monthly basis.

***RULE §35.74 Reapplication after Revocation***

An applicant who has had a license or registration revoked by the board is not eligible to re-apply for any license or registration issued under this Act unless the fifth anniversary of any such revocation has occurred.

***RULE §35.75 Private Security Consultant***

- (a) Effective September 1, 2001, any applicant for private security consultant or any person renewing their registration as a private security consultant shall meet all requirements under subsection (b) of this rule.
  
- (b) In addition to compliance with all other applicable board rules, a private security consultant shall:
  - (1) meet all requirements under §§1702.110, 1702.113, 1702.117, and 1702.124 of the Act as appropriate;
  
  - (2) not have engaged in conduct that is grounds for disciplinary action under §1702.361(b) of the Act; and
  
  - (3) provide to the manager or his designee, proof that prior to the date of application, the applicant had two years of lawful experience in the security services field. The experience shall be determined by the manager, or his designee, to be adequate to qualify the applicant to engage in the business of a private security consultant.

***RULE §35.76 Electronic Access Control Device Company License***

Pursuant to Section 1702.103 (e) of the Act, the Board has established that the Electronic Access control Device Company license will be classified as a Class B, Security Services Contractor license.

### ***RULE §35.77 Termination of Incomplete Applications***

(a) Applications must be complete and legible. If an application is not legible or not complete, the bureau will notify the applicant of any apparent deficiency. The applicant will have 90 days from the date of notice to amend the application or provide complete information. Upon request of the applicant, the bureau may extend the period to amend the application for one additional 90-day period. If the applicant is unable to provide information needed to complete the application, the applicant may request a hearing before the board to determine whether the application may proceed without complete information.

After the period to amend has expired, if the applicant has not provided the required information or requested a hearing on the application, the application process will be terminated. An application will not be terminated while a hearing request under this section is pending.

(b) If an applicant fails to provide all required application materials, or fails to respond to a request by the bureau for additional information necessary to process the application, the application will be terminated under the process set out in subsection (a) of this section.

### ***RULE §35.78 Evidence of Insurance***

(a) For purposes of the requirements of Section 1702.124 of the Occupations Code, the certificate or other documentary evidence of insurance submitted to the Bureau must specifically show:

- (1) that the insurance is applicable to the conduct for which the licensee is licensed;
- (2) the exclusions or endorsements specific to the activity for which the licensee is licensed, or, that there are no such exclusion or endorsements; and
- (3) the minimum coverage limits, specifically distinguishing the limits for:
  - (A) Each occurrence of bodily injury and property damage;
  - (B) Each occurrence of personal injury; and
  - (C) The total aggregate amount of coverage for all Occurrences.

(b) The applicant must also provide the Bureau with the insurance agent's contact information and Texas license number.

(c) Form PSB-05 (Certificate of Liability Insurance) is available for this purpose, but its use is not mandatory.

## **SUBCHAPTER F ADMINISTRATIVE HEARINGS**

### ***RULE §35.91 Administrative Hearing Procedures***

With the exception of preliminary hearings conducted pursuant to §1702.364 (Summary Suspensions or Denials), all hearings and appeal procedures related to all administrative hearings conducted by the Board are governed by Texas Government Code, Chapter 2001.

### ***RULE §35.92 Service of Notice in Non-Rulemaking Proceedings***

(a) All licensees, letters of authority, schools, permit holders, letters of approval, letters of authorization, branch office licenses, or similar entity including any applicants for any of the above shall at all times maintain on file with the board their current mailing and principal place of business address. Notification to the board shall be made in writing and received in the Austin office of the board within 14 days of the date of the change of address.

- (b) All registrants, commissioned security officers, alarm response runners, alarm salespersons, security officers, or any applicants for any of the above shall at all times maintain on file with the board their current residence address. Notification to the board shall be made in writing and received in the Austin office of the board within 14 days of the date of the change of address. Service by mail is complete upon deposit of the document enclosed in a postage paid, properly addressed envelope in a U.S. Post Office or official depository under the care and control of the U.S. Postal Service.
- (c) Service by mail is complete upon deposit of the document enclosed in a postage paid, properly addressed envelope in a U.S. Post Office or official depository under the care and control of the U.S. Postal Service.

***RULE §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.

<b>VIOLATION</b>	<b>VIOLATION DESCRIPTION</b>	<b>FINE AMOUNT</b>
UNI - Uniform Violation	Failure to have last name identification on outermost garment	\$25.00
UNI - Uniform Violation	Failure to have the word "Security" on outermost garment	\$50.00
UNI - Uniform Violation	Failure to have company name on outermost garment	\$50.00
FPPC- Failure to present pocket card	Failure to present pocket card upon request	\$100.00
PCV - Pocket card violation	Failure to have a color photograph affixed to the pocket card	\$50.00
PCV - Pocket card violation	Failure to have signature on the back of the pocket card	\$25.00
RECV - Employee records violation	Full name of employee	\$25.00
RECV - Employee records violation	Position of employee	\$25.00
RECV - Employee records violation	Current residence of the security officer as reported by security officer	\$25.00
RECV - Employee records violation	Date of employment when performing a regulated service	\$25.00
RECV - Employee records violation	Address of employee as reported by employee	\$25.00
RECV - Employee records violation	Social security number	\$25.00
RECV - Employee records violation	Last date of employment	\$25.00
RECV - Employee records violation	Date of birth	\$25.00
RECV - Employee records violation	Place of birth	\$25.00
RECV - Employee records violation	One color photograph	\$25.00
RECV - Employee records violation	Failure to keep employee records two years from termination	\$100.00
RECV - Employee records violation	Commission only - Current duty assignment and location	\$50.00

DT - RECV - Drug testing record violation	Refusal to comply with drug testing rule	\$500.00 per quarter
OPSL - Operating while license suspended	*Failure to maintain current insurance	\$500.00 every 14 days
OPSI- Operating outside scope Insurance	Operating outside the scope of Insurance coverage	\$500 per Violation
OPWI- Operating without insurance	Operating without insurance	\$500 per violation
FPPI- Failure to provide proof of insurance	Failure to provide requested proof of Insurance within 10 working days of Notice from PSB	\$100 per day
OPEL -Operating while license expired	Operating with an expired license	\$500.00 every 14 days
REG - Registration violation	Failure to register employee w/n 5 business days of employee beginning work	\$200.00
ADDR - Address change violation	Failure to notify PSB w/n 14 days of change of address	\$350.00
CON - Other Contract Violation	Licensee failure to provide written report w/n 7 days	\$500.00
DISP - Consumer sign Violation	Failure to display the consumer sign in a prominent place	\$100.00
POST - Failure to post license	Failure to post the license	\$100.00
CON - Other Contract Violation	Licensee failure to provide written contract w/n 7 days	\$500.00
ADV - Advertising violation	Failure to have company name as stated in Board records	\$100.00
ADV - Advertising violation	Failure to have company address as stated in Board records	\$100.00
ADV - Advertising violation	Failure to have license number as issued by the Board	\$100.00
PRNT - Fingerprint violation	Failure to obtain fingerprints prior to placing on post	\$250.00
BRNC - Failure to notify establishment of branch office	Failure to notify Board w/n 14 days of opening branch office	\$500.00
BRNT - Failure to notify closing of Branch Office	Failure to notify Board w/n 14 days of closing of branch office	\$350.00
CHNG - Failure to notify Board of Change of license name	Failure to notify Board of A change in Business name	\$500.00
FLAG - Business use of Flag of Texas	Licensee using the State Flag of Texas	\$500.00
MGRQ - Failure to Qualify a Manager	Failure to qualify a manager w/n 60 days	\$500.00 every 14 days
MGRS - Manager failing to control business	Manager failing to control business	\$3,000.00

MGRS- Manager controlling excessive businesses	Manager controlling more than 3 companies And 2 schools	\$3,000.
MGRT - Failure to notify Board of manager Term w/n/14 days	Failure to notify Board of manager Term w/n/14 days	\$500.00
OPS - Failure to notify Board of a change of ownership	Failure to notify change of ownership w/n 14 days	\$500.00 every 14 days
SEAL - Using State Seal or DPS Seal	Using State Seal of Texas	\$500.00
RSOL- Residential Solicitation violation	Violation of Rule 35.47 by company	\$500. Per violation
RSOL- Residential Solicitation violation	Violation of Rule 35.47 by individual	\$500. Per violation

\* This Violation Description should read: operating a company with a suspended license. This correction will be made at the next available opportunity.

### ***RULE §35.94 Default Judgments***

Following adequate notice of a hearing on a contested case before the State Office of Administrative Hearings, failure of the respondent to appear at the time of hearing shall entitle the Bureau's staff to request issuance of a default proposal for decision by the administrative law judge.

### ***RULE §35.95 Trial on the Merits***

In cases brought before SOAH, in the event that the respondent is adjudicated to be in violation of the Private Security Act or these rules after a trial on the merits, the board has authority to assess, in addition to the penalty imposed, the actual costs of the administrative hearing. Such costs include, but are not limited to, investigative costs, witness fees, deposition expenses, travel expenses of witnesses, costs of adjudication before SOAH and any other costs that are necessary for the preparation of the board's case including the costs of any transcriptions of testimony.

### ***RULE §35.96 Appeal***

The costs of transcribing the testimony and preparing the record for an appeal by judicial review shall be paid by the respondent.

### ***RULE §35.97 Entry of Appearance Required***

(a) The respondent shall enter an appearance within 20 days of the date on which the notice of hearing is provided.

(b) For purposes of this section, an entry of appearance means the filing of a written answer or other responsive pleading with SOAH.

(c) For purposes of this section, notice of hearing is provided to a respondent on the dated of deposit in the United States mail of a registered or certified letter, return receipt requested, containing the notice of hearing, or if provided by personal service, the date of personal delivery of the notice of hearing.

(d) The failure by the respondent to timely enter an appearance as provided in this section shall entitle the petitioner to motion the administrative court to abate the proceeding and to informally dispose of the case by default.

(e) The notice of hearing shall include the following language in capital letters in at least 12 point boldface type:



**“YOU MUST ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR RESPONSE TO THE ALLEGATIONS CONTAINED IN THIS NOTICE WITHIN 20 DAYS OF THE DATE THIS NOTICE WAS MAILED OR PERSONALLY DELIVERED TO YOU. YOUR FAILURE TO DO SO SHALL ENTITLE THE DEPARTMENT TO REQUEST THE ABATEMENT OF THE CASE AND TO INFORMALLY DISPOSE OF THIS CASE BY DEFAULT. THE ALLEGATIONS AGAINST YOU WILL BE DEEMED ADMITTED AND AN ORDER ENFORCING THE ACTION WILL BE ENTERED BY THE MANAGER OF THE BUREAU.”**

## **SUBCHAPTER H GUARD DOGS**

### ***RULE §35.131 Welfare Requirements***

Each guard dog company and investigations company using dogs to conduct investigations licensed by the board shall comply with the following rules:

(1) All pens, spaces, rooms, runs, cages, compartments or hutches where guard dogs are housed, exercised, trained or placed shall be kept clean and maintained in a sanitary condition. Excreta shall be removed as often as necessary to prevent contamination of the inhabitants and reduce disease hazards and odors. Adequate shelter shall be provided to protect animals from any form of overheating or cold or inclement weather.

(2) All animals shall be fed at least once a day except as otherwise might be directed by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of food, and shall be kept clean and sanitary to prevent molding, deterioration, or caking of feed.

(3) All animals shall be furnished ample water. If potable water is not accessible to the animals at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a licensed veterinarian. Watering receptacles shall be kept clean and sanitary.

(4) All animals shall be vaccinated by a licensed veterinarian against rabies by the time they are four months of age and within each subsequent 12-month interval thereafter. Official rabies vaccination certificates issued by the vaccinating veterinarian shall contain certain standard information as designated by the Texas Department of Health. Information required is as follows:

- (A) owner's name, address and telephone number;
- (B) animal identification, including species, sex, age (three mo. to 12 mo., 12 mo. or older), size (lbs.), predominant breed, and colors;
- (C) vaccine used, producer, expiration date and serial number;
- (D) date vaccinated;
- (E) rabies tag number; and

(F) veterinarian's signature and license number.

## **SUBCHAPTER I COMMISSIONED SECURITY OFFICERS**

### ***RULE §35.141 Requirements for Issuance of a Security Officer Commission by the Board***

- (a) An applicant shall have successfully completed a board approved 40-hour training program and be awarded a certificate of completion from a board approved security officer training school.
- (b) The licensed company shall submit and maintain on file with the board color photographs of the company uniform(s) shown in full length and as worn by its security officer employees, size 8 inches by 10 inches desired, 3 inches by 5 inches minimum acceptable. The photographs shall show the entire uniform, including a close-up of the badge, shoulder patch, and nameplate.

### ***RULE §35.142 Application for a Security Officer Commission***

- (a) A completed security officer commission application shall be submitted on the most current version of the form provided by the Department. The application shall include:
  - (1) the required fee;
  - (2) at least two sets of fingerprints on fingerprint cards approved by the Department, or submitted electronically through a Department approved vendor, and the \$25.00 FBI Fingerprint Check Fee;
  - (3) a copy of the applicant's Level II certificate of completion; and
  - (4) a copy of the certificate of completion provided to the applicant from a board approved Level III training school;
  - (5) A copy of a state or government-issued identification card, issued by the State of Texas or by the state of the applicant's residence.
  - (6) Applicants who are not United States citizens shall submit a copy of their current alien registration card. Non-resident aliens must also submit a copy of a current work-authorization card and hunting license, or other documents establishing the right to possess firearms under federal law.
- (b) Incomplete applications cannot be processed and will be returned for clarification or missing information.
- (c) The employer shall affix one recent color photograph to the pocket card when received from the board. The photograph shall be 1" x 1 1/4". This subsection will not apply to those who have a driver's license or identification card issued by the state of Texas, upon development of an internal, departmental, interface.

### ***RULE §35.143 Drug-Free Workplace Policy Requirement***

- (a) In the interest of creating a safe and drug-free work environment for the clients and employees of the security professions regulated by the Act, all licensed companies shall establish and implement a drug-free workplace policy consistent with the Texas Workforce Commission's "Drug-Free Workplace Policy".

(b) A copy of the Texas Workforce Commission's "Employee Consent to Drug and/or Alcohol Testing" or a substantially similar form reflecting the company' drug-free workplace policy shall be signed by each regulated employee and kept in each regulated employee's file.

***RULE §35.144 Violations by Commissioned Security Officers***

In additional to other rules, a commissioned security officer shall not:

- (1) perform commissioned security officer duties for any person(s) other than the employer as indicated in the board records;
- (2) carry a pocket card to which the security officer has failed to affix his signature and photograph to the card issued by the board;
- (3) fail to timely surrender his card upon written notice served by the board;
- (4) possess or use any security officer commission which has been altered; or
- (5) deface or allow improper use of his security officer commission.

***RULE §35.145 Carrying of a Security Officer Commission***

A private security officer who has been issued a security officer commission by the board shall carry it while on duty and going to and from the place of assignment and shall present it upon request by a peace officer or to an investigator employed by the board.

***RULE §35.146 Renewal of Security Officer Commission***

The renewal period for security officer commissions shall be the calendar month prior to the expiration of the security officer commission.

**SUBCHAPTER J PERSONAL PROTECTION OFFICERS**

***RULE §35.161 Requirements for Issuance of a Personal Protection Authorization***

(a) An applicant for personal protection authorization shall:

- (1) submit a written application for a personal protection authorization on a form prescribed by the board;
- (2) be at least 21 years of age;
- (3) have a valid security officer commission issued prior to applying for a personal protection authorization;
- (4) submit proof that the applicant has successfully completed the Personal Protection Officer Course taught by a board approved personal protection officer instructor; and
- (5) submit proof of completion of the Minnesota Multiphasic Personality Inventory test or equivalent (proof of completion of the Minnesota Multiphasic Personality Inventory test shall be on the form of the board approved Declaration of Psychological and Emotional Health and shall be signed by a licensed psychologist).

(b) A personal protection officer may transfer his registration as a personal protection officer to another employer if the personal protection officer:

- (1) has transferred his security officer commission to the new employer; and
- (2) submits the appropriate form and transfer fee to the board's Austin office within 14 days of the transfer of employment to the new employer.  
days of the transfer of employment to the new employer.

***RULE §35.162 Requirements for Personal Protection Officer Employer***

Personal protection officer employers shall:

- (1) issue the personal protection officer authorization pocket card issued by the board to the Personal Protection Officer when received from the board and affix a color photograph to the pocket card;
- (2) maintain on file for board inspection, contracts for Personal Protection Officer Services;
- (3) maintain current records on all persons issued a personal protection authorization on file for board inspection including the current residence of the personal protection officer and the personal protection officer's name, address and telephone number; and
- (4) upon receipt of a subpoena, provide the name of the client being protected and contract information; and the hours and dates of duty assignment.

***RULE §35.163 Violations of the Act by Personal Protection Officers***

In addition to other rules, a personal protection officer shall not:

- (1) perform personal protection officer duties for any person(s) other than the employer indicated in the board records;
- (2) fail to affix his or her signature and color photograph to the personal protection officer pocket card issued by the board;
- (3) fail to timely surrender the personal protection officer pocket card upon written notice served by the board or his employer;
- (4) while in the course and scope of his or her employment as a personal protection officer, provide or engage in any other service regulated by the Act or these rules other than providing personal protection from bodily harm to one or more individuals;
- (5) fail to conceal his firearm on his person;
- (6) fail to carry on his or her person, the issued security officer commission and personal protection authorization while performing the officer's duties as a personal protection officer; or
- (7) fail to present his or her security officer commission and personal protection authorization card upon request made by a peace officer or investigator employed by the board.

## **SUBCHAPTER K LETTERS OF AUTHORITY**

### ***RULE §35.171 Requirements for Issuance of a Private Business Letter of Authority***

- (a) The security department of a private business, as defined in §1702.182 of the Act, must obtain a letter of authority in order to employ a commissioned security officer.
- (b) A security department of a private business shall not provide guard company services to a third party for contracted compensation.
- (c) A private business letter of authority shall:
  - (1) be issued a number with each private business letter of authority approved by the board and this number shall be used on all applications submitted to the board;
  - (2) be valid for one year and shall be renewed upon receipt of a board approved renewal application and the renewal fee;
  - (3) be renewed during the calendar month preceding the month of expiration;
  - (1) qualify a manager who meets the requirements set forth in §1702.113 and §1702.117 of the Act as they pertain to a security services contractor; and
  - (2) maintain on file with the board a certificate of proof of insurance as prescribed in §1702.124 of the Act.
- (d) Holders of a letter of authority shall be subject to all rules established under the Act unless specifically exempted by the director.
- (e) A security department of a private business that employs non-commissioned guards who satisfy the conditions of §1702.323 (d) of the Act must obtain a guard company license.

### ***RULE §35.172 Requirements for Issuance of a Governmental Letter of Authority***

- (a) A governmental letter of authority shall be:
  - (1) obtained by a governmental entity that employs commissioned security officers;
  - (2) issued a number with each governmental letter of authority approved by the board and this number shall be used on all applications submitted to the board;
  - (3) valid for one year and may be renewed upon receipt of an acceptable renewal application; and
  - (4) renewed during the calendar month preceding the month of expiration.
- (b) Holders of a letter of authority shall be subject to all rules of the Act and board, unless specifically exempted by the manager, and subject to review by the board at the next regular meetings.

## **SUBCHAPTER L GENERAL REGISTRATION REQUIREMENTS**

### ***RULE §35.181 Employment Requirements***

- (a) The employment relationship between a licensed company and its registrants or commissioned guards must be such that the licensee's commercial liability insurance policy

provides coverage for claims arising from the regulated services provided on behalf of the licensee by its registrants or commissioned guards. The failure to obtain and maintain such coverage is a violation of Section 1702.123

- (b) A licensee shall not make application for any person knowing that the conditions of that person's employment do not conform to subsection (a) of this section.
- (c) No licensee shall place on duty any employee who tests positive for any drug(s) or substance(s) until a successive test indicates no trace of the drug(s) or substance(s) for which the tests are performed, unless such medication is being taken under the direction of a licensed physician.

***RULE §35.183 Exhibit Pocket Card***

Any person who has been issued a registration pocket card shall carry the pocket card on or about his person while on duty and shall present same upon request from a peace officer or to an investigator employed by the board.

***RULE §35.184 Licensed Company Responsible for the Registration of Employees***

It shall be the responsibility of the licensed company to register all employees required to register under the Act, with the board.

***RULE §35.185 Registration Deadline***

The employer of any individual required to be registered with the board must submit, within five working days following the employment of the individual in a regulated capacity, a registration application for that individual that complies with the requirements of Rule 35.186. Failure to comply may, at the discretion of the manager, result in denial of the application and/or disciplinary action against the employer. An application for registration of an employee of a licensed company may be signed by the manager or his appointed designee. Appointment of a company manager's designee must be made in writing to the bureau's manager.

***RULE §35.186 Registration Applications***

A completed registration application shall be submitted on the most current version of the form provided by the Department. The application shall include:

- (1) the required fee;
- (2) at least two sets of fingerprints approved by the Department, or submitted electronically through a Department approved vendor, and the \$25.00 FBI fingerprint fee;
- (3) a copy of the applicant's Level II certificate of completion;
- (4) a copy of a state or government-issued identification card issued by the State of Texas or by the state of the applicant's residence,
- (5) applicants who are not United States citizens shall include a copy of their alien registration card. Non-resident aliens must also submit a copy of a current work-authorization card; and
- (6) upon request of the Department, any court documents required as part of the Department's criminal history background check. The failure to comply with the request may result in the rejection of the application as incomplete.

### ***RULE §35.187 Renewal Applications***

- (a) A completed renewal application must be submitted on the most current version of the form provided by the Department. The application must include:
- (1) the required fee;
  - (2) a copy of a state or government-issued identification card, issued by the State of Texas or by the state of the applicant's residence;
  - (3) renewal applicants who are not United States citizens shall submit a copy of their current alien registration card; Non-resident aliens must also submit a copy of a current work-authorization card; Commissioned security officers who are non-resident aliens must also submit a copy of a current hunting license or other documents establishing the right to possess firearms under federal law.
  - (4) Commissioned Security Officers (all Level III and IV registrants) only: At the first renewal following September 1, 2011, each individual for whom the Department does not have on file a set of fingerprints that can be resubmitted to the FBI must submit at least two sets of fingerprints on fingerprint cards approved by the Department, or submitted electronically through a Department approved vendor. In addition, each applicant must submit the \$25.00 FBI fingerprint fee. This is a one-time requirement that expires following the completion of one renewal cycle, following September 1, 2011.
- (b) In order for the current registration, commission, endorsement or license to remain in effect pending the approval of the renewal application, a completed renewal application must be submitted prior to expiration. If the completed application is not received by the Department prior to the expiration date, no regulated services may be performed unless a completed renewal application that complies with this rule is submitted within five working days following the employment of the individual in a regulated capacity.

## **SUBCHAPTER M COMPANY RECORDS**

### ***RULE §35.201 Employee Records***

Licensed companies shall keep records of all registered or commissioned employees. Records shall be maintained for a period of two years from the last date of employment. The following records shall be maintained:

- (1) full name of employee, date of employment, position and address;
- (2) Social Security Number;
- (3) last date of employment;
- (4) date and place of birth;
- (5) one color photograph; and
- (6) the results of any drug screens for commissioned security officers.

### ***RULE §35.202 Location of Records***

- (a) All required Bureau records of licensed companies and registered employees shall be maintained at the following locations:

- (1) if a company has no branch offices, the records shall be maintained at the principal place of business within the State of Texas; or
  - (2) if a company has one or more branch offices, the records shall be maintained at the branch office within the State of Texas where the registrant or commissioned security officer is employed; or
  - (3) if the company has no physical place of business within the State of Texas, the records shall be maintained:
    - (i) at the office of the registered agent within the State of Texas; or
    - (ii) at any physical location within the State of Texas of an agent or employee of the company.
- (b) A company shall notify the board of the location of required records, and of any centralization of records when a branch is closed or if records from area branch offices are centralized.

***RULE §35.203 Records to be Available for Inspection***

- (a) All records required to be kept under the provisions of the Act and these rules shall be made available for inspection by bureau staff during normal business hours.
- (b) Records may be kept in an electronic reproducible form, if such electronic records are immediately reproducible into hard copy upon the request of bureau staff.

***RULE §35.204 Pre-Employment Check***

- (a) The employer of a registrant shall exercise due diligence in ensuring that an applicant's qualifications meet the provisions of §1702.113 of the Act, prior to duty assignment.
- (b) The employer of an applicant for a security guard commission who wishes to allow the applicant to work as an unarmed guard while the application is pending shall exercise due diligence in ensuring that the applicant's qualifications meet the provisions of §1702.113 of the Act, prior to assigning the applicant to unarmed duty.
- (c) The employer must maintain records to document the pre-employment check. The failure to maintain such records will constitute prima facie proof of the failure to exercise the due diligence required by this rule.

***RULE §35.205 Records Required on Commissioned Security Officers***

The employer of a commissioned security officer shall maintain current records on all persons issued a security officer commission for board inspection. The records shall contain:

- (1) most current residence of the security officer;
- (2) current duty assignment and location of assignment;
- (3) results of any drug screens administered; and
- (4) documented information on training required and provided.



## **SUBCHAPTER N COMPANY LICENSE QUALIFICATIONS**

### ***RULE §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 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 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.

### ***RULE §35.222 Qualifications for Locksmith Company License***

- (a) Pursuant to Section 1702.115 of the Act, the Board has determined that an applicant for licensure as a locksmith company (as owner), or the prospective manager of the applicant company, must meet one of the following qualifications:
- (1) Two consecutive years of full-time locksmith-related experience; or
  - (2) (A) Successful completion of a Department-approved 48-hour basic locksmith course and a 600-hour fundamentals of locksmith course, with the following curriculum content:
    - Introduction to Locksmithing
    - State of Texas DPS-PSB Regulations & Rules
    - State of Texas & US Government business requirements
    - Key Blank Identification
    - Key Machine & Key Duplication
    - Codes & Code Cutting
    - Basic Lock Types
    - Basic Picking
    - Rim & Mortise Cylinders
    - Key in Knob/Key in Lever Locks
    - Deadbolts & Mortise Locks
    - Installations
    - Impressioning
    - Basic Master-keying

Basic Safe Servicing  
Small Format Interchangeable Core  
High Security & Key Control Cylinders  
Automotive Opening  
Automotive Key Generation & Programming  
Exit/Panic Device Servicing, Replacement & Installation  
Door Closer Servicing, Replacement & Installation  
Cabinet & Drawer Lock Servicing, Replacement & Installation  
Safe Installation, Moving & Anchoring  
Single Door Access Control Service & Installation;

(B) Successful passage of a basic locksmith proficiency exam that covers a minimum of 12 locksmith subjects and is approved by the Department; and

(C) Successful completion of a 2000-hour internship with a locksmith company, license in continuous good standing in the State of Texas.

(b) Other combinations of education and locksmith-related experience may be substituted for the above at the discretion of the Department.

## **SUBCHAPTER O FEES**

### ***RULE §35.231 Subscription Fees for Renewals***

- (a) Each individual licensee, registrant or commissioned security officer shall pay the following fee for occupational license renewal: \$3.00 for a \$30.00 renewal and \$5.00 for renewals from \$50.00 to \$100.00. This fee is in addition to the renewal fee.
- (b) Each company licensee shall pay the following fee for occupational license renewal: \$7.00 for a \$225.00 renewal; \$11.00 for a \$300.00 to \$350.00 renewal; \$12.00 for a \$400.00 renewal; and \$16.00 for a \$540.00 renewal. This fee is in addition to the renewal fee.

### ***RULE §35.232 Subscription Fees for Original Applications***

- (a) Each individual applicant for a license, registration, or security officer commission shall pay the following fee upon application: \$3.00 for a \$30.00 application; and \$5.00 for a \$50.00 to \$100.00 application. This fee is in addition to the application fee.
- (b) Each company license applicant shall pay the following fee upon application: \$11.00 for a \$300.00 to 350.00 application; \$12.00 for a \$400.00 application; and \$16.00 for a \$540.00 application. This fee is in addition to the application fee.

### ***RULE §35.233 Subscription Fee for Employee Information Updates***

Each individual registrant or commissioned security officer shall pay a \$2.00 fee for an employee information update. This fee is in addition to the employee information update fee.

## **SUBCHAPTER P INVESTIGATIONS**

### ***RULE §35.242 Investigations Related to Unclaimed Property***

Any person who engages in the business of recovering unclaimed or abandoned property, or who accepts employment to obtain or furnish information related to such property, and seeks to recover such property or information through any means other than the review of public information as defined in Chapter 552 of the Texas Government Code, is acting as an

investigations company, as defined in §1702.104 of the Act, and consequently is required to obtain a Class A or Class C Investigations Company License.

## **SUBCHAPTER Q TRAINING**

### ***RULE §35.251 Training Requirements***

(a) Security and Personal Protection Officer Training Courses.

- (1) In accordance with the Act, the following training shall be required of all security and personal protection officers, as indicated:
  - (A) Level II Training – The Level II Training Course shall consist of a minimum of 6 hours using the most recent version of the training manual prepared by and obtained from the department. The course shall be completed by all applicants for a security officer commission or for registration as a noncommissioned security. A certificate indicating completion of Level II training shall be submitted to the board within 14 days after the commencement of employment.
  - (B) Level III Training – The Level III Training Course shall consist of a minimum of 40 hours using the most recent version of the training manual prepared by and obtained from the department. The course shall be completed by applicants for a security officer commission and a personal protection officer authorization. A certificate indicating completion of Level III Training shall be submitted to the board along with the application to register the individual. Applicants for either a security officer commission or a personal protection officer authorization who are full-time peace officers, certified by the Texas Commission on Law Enforcement Officer Standards and Education, may be exempted from the Level III training requirements upon submission to the Bureau of a sworn affidavit attesting to the applicant's review of, and familiarity with, Chapter 1702 of the Occupations Code and the related administrative rules. Applicants for either a security officer commission or a personal protection officer authorization who have honorably retired as Texas peace officers within the preceding two years may be exempted from the Level III training requirements upon submission to the Bureau of proof of their honorably retired status (in the form of documentation from the employing agency or the Texas Commission on Law Enforcement officer Standards and Education), and of a sworn affidavit attesting to the applicant's review of, and familiarity with, Chapter 1702 of the Occupations Code and the related administrative rules. For purposes of the above exemption, "honorably retired" means that the applicant:
    - (i) Did not retire in lieu of an disciplinary action;
    - (ii) Was eligible to retire from the law enforcement agency or was ineligible to retire only as a result of an injury received in the course of the applicant's employment with the agency; and
    - (iii) Is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the applicant does not offer a pension or annuity to its employees.

- (2) Level II may be taught by the manager, the manager's designee or a board approved school and board approved instructor using the most current version of the respective Board Level II Training Course manuals.
- (3) Level III and IV shall be taught by a board approved school and board approved instructor using the most current version of the respective Board Level III and IV manuals.
- (4) Training manuals for Levels II, III, and IV will be prepared by bureau staff and other qualified individuals selected by the manager.
- (5) The passing grade for all examinations shall be a minimum of 75% correct answers.

(b) Alarm Training Courses.

- (1) In accordance with the Act, the following training shall be required of an alarm systems installer and a security alarm salesperson:

(A) Alarm Level I - All individuals employed as an alarm systems installer or a security alarm salesperson must hold a certification by a board approved training program to renew an initial registration. An original certificate indicating successful completion of an Alarm Level I training program shall be submitted to the board along with the proper application to renew an initial registration.

(B) The passing grade for all Alarm Level I examinations shall be a minimum of 70% correct answers.

(C) An Alarm Level I program shall be taught by a board approved alarm instructor.

- (2) A board approved alarm instructor may teach board approved continuing education courses.

- (c) Previous training courses held for inactive or expired registrants: An inactive or expired registrant who has not worked in the investigation or security services industry for three years or more must submit current training certificate(s) to the Board or subject to the approval of the manager.

***RULE §35.252 Training School and Instructor Approval***

Approval as a security officer training school and/or instructor shall be considered a license with respect to suspension, revocation or denial.

***RULE §35.253 Application for a Training School Approval***

- (a) An application for training school approval shall be on a form prescribed by the board to show proof that the applicant is:

(1) using the board's most current version training manual as its curriculum;

(2) adequate space, qualified instructors, and proper instructional material; and

(3) appointed a qualified manager who will be responsible for training.

- (b) The letter of approval or license certificate shall be valid for one year and may be renewed by submitting an application for renewal 30 days prior to the expiration date.

- (c) An entity having a private business letter of authority or a governmental letter of

authority may seek approval for a training school approval by meeting requirements of §35.171, 35.172, or 35.251 of this chapter where applicable. A training school approval granted under this section shall be limited to training employees of the letter of authority only.

- (d) Each board approved classroom or firearm training school shall:
  - (1) Have a qualified manager, and they shall comply with the requirements of §1702.113 of the Act.
  - (2) Register any owners, officers, partners, shareholders, and qualify a manager, and they shall meet the requirements under §1702.113 of the Act.
- (e) Each owner, officer, partner or shareholder and qualified manager of a board approved classroom or firearm training program shall, submit an application to the board, the appropriate fees, and two sets of board approved fingerprint cards.
- (f) A board approved classroom or firearm training school shall submit a renewal application(s) prior to the expiration date on each board approved owners, officers, partners, shareholders and qualified manager.

***RULE §35.254 Withdrawal of Training School Approval***

The board may withdraw approval of a training school upon evidence the school has operated in violation of the Act or these rules.

***RULE §35.255 Notification of Denial or Withdrawal of a Letter of Approval***

The board, upon review and consideration of an application for training school approval, shall set forth in writing the reasons for denial or withdrawal of approval.

***RULE §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 classroom or firearm instructor approval the applicant must submit current certificates of training for each category, reflecting training completed within two years of the date of application. The classroom instructor and firearm certificates shall represent a combined 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 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
- (c) 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;
  - (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.
- (d) 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.
- (e) 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 these rules;
  - (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 these rules as amended.

***RULE §35.257 Security Officer Training Manual and Examination***

- (a) The board's most current version training manual shall be used by all board approved Level III training schools.
- (b) All students of a Level III training school shall be tested with the most current version examination prepared by and obtained from the board.
- (c) The passing grade of all examinations shall be a minimum of 75% correct answers.

***RULE §35.258 Firearm Courses***

- (a) In addition to the firearm qualification requirements as set forth in the Act, a firearm instructor may qualify a student by using:
- (1) the Texas Department of Public Safety Practical Combat Pistol Course;
  - (2) the Federal Law Enforcement Training Center Practical Pistol Course;
  - (3) the Texas Department of Public Safety Approved Concealed Handgun Weapons Range Qualifications course; or
  - (4) other training as may be approved by the manager.
- (b) All individuals qualifying with a firearm to satisfy the requirements of the Act or Board rules shall qualify with an actual demonstration by the individual of their ability to safely and proficiently use the category of firearm for which the individual seeks qualification.
- (c) The categories of handguns are:
- (1) SA: any handgun, whether semi-automatic or not; and
  - (2) NSA: handguns that are not semi-automatic.

(d) The category for any shotgun is STG.

***RULE §35.259 Shotgun Training***

Competency with a shotgun shall be determined by the firearms training instructor after instructing the student in the operation of a shotgun, and the satisfactory completion of the Shotgun Training requirements of §35.260 of this chapter (relating to Shotgun Training Requirements).

***RULE §35.260 Shotgun Training Requirements***

(a) Any commissioned security officer licensed by the board who, in the performance of his/her duties, has a shotgun available to assist in the protection of life or property must demonstrate competency by successfully completing the course of fire for shotgun training. The course of fire shall consist of nine rounds of nine (9) pellet "00" buckshot fired as follows:

- (1) from a standing position at a distance of fifteen (15) yards, three (3) rounds of "00" buckshot in twelve (12) seconds;
- (2) from a standing position at a distance of ten (10) yards, three (3) rounds of "00" buckshot in ten (10) seconds;
- (3) from a standing position at a distance of five (5) yards, three (3) rounds of "00" buckshot in ten (10) seconds; or
- (4) an alternate course of fire may be approved by the director upon receipt of written application.

(b) A biennial familiarization of six (6) rounds of "00" buckshot shall be required for renewal of a commissioned security officer.

- (1) The course of fire shall be as outlined in subsection (a) of this section reducing the number of rounds from three (3) to two (2) with a commensurate halving of time in each category.
- (2) The manager may approve an alternate course of fire upon receipt of written application.

***RULE §35.261 Attendance, Progress, and Completion Records Required***

(a) A board approved training school shall have a qualified manager who shall comply with the requirements of the Act and these rules. The manager shall:

- (1) issue an original certificate of completion to each qualifying student, within seven days after the student qualifies;
- (2) maintain adequate records to show attendance, progress, and grades of students to maintain on file a copy of each certificate issued to students at the board approved training school;
- (3) make all required records available to investigators employed by the board for inspection during reasonable business hours; and
- (4) retain all training records for 36 months from the date of completion of training.

(b) The certificate of completion shall reflect the particular course or courses completed by a student during the training period.

- (1) Certificates of completion for Level II shall contain the:
  - (A) name and approval number of the school;
  - (B) date of completion;

- (C) name, signature and approval number of training instructor;
  - (D) name and signature of the qualified manager;
  - (E) full name and social security number of student;
  - (F) the date of final completion of the entire course
- (2) Certificates of completion for Level III shall contain the:
- (A) name and approval number of the school;
  - (B) date of course completion;
  - (C) name, signature and approval number of Classroom and/or Firearm training instructor;
  - (D) name and signature of the qualified manager;
  - (E) full name and social security number of student;
  - (F) the date of final completion of the entire course
  - (G) the specific date of firearm qualification along with the name and approval number of the firearms instructor on those certificates designating completion of Level III.
- (3) Certificate of completion for firearms qualification (firearm proficiency) shall contain the:
- (A) name and approval number of the school;
  - (B) name, signature and approval number of firearms training instructor;
  - (C) name and signature of the qualified manager;
  - (D) full name and social security number of student; firearms completion date;
  - (E) note the category of firearm as defined in §35.258 (c) and (d) of this title (relating to Shotgun Training Requirements and Firearm Courses);
  - (F) note the caliber of firearm; and be on a certificate form designed or approved by the Board.

***RULE §35.262 Alarm Installer and Alarm Systems Salesperson Training and Testing/Application for Alarm Training Program Approval***

- (a) An application for alarm installer or alarm systems salesperson training school approval shall be on a form prescribed by the board to show proof that the applicant is:
- (1) using the board's most current version training manual as its curriculum;
  - (2) adequate space, qualified instructors, and proper instructional material; and
  - (3) appointed a qualified manager who will be responsible for training.
- (b) A letter of approval or license certificate shall be valid for one year and may be renewed by submitting an application for renewal 30 days prior to the expiration date.
- (c) In addition to meeting the requirement of §1702.113 of the Act, a qualified manager for an alarm training school and a qualified alarm training instructor must have successfully completed a board approved program in alarm installation. Approval by the board of alarm training program directors and qualified alarm training instructors shall be valid for one year.



- (1) Each board approved alarm training school shall:
  - (A) have a qualified manager, and they shall comply with the requirements of §1702.113 of the Act.
  - (B) register any owners, officers, partners, shareholders, and qualify a manager, and they shall meet the requirements under §1702.113 of the Act.
- (2) Each owner, officer, partner or shareholder and qualified manager of a board approved alarm training school shall submit an application to the board, the appropriate fees, and two sets of board approved fingerprint cards.
- (3) A board approved alarm training school shall submit a renewal application(s) prior to the expiration date on each board approved owners, officers, partners, shareholders and qualified manager.

***RULE §35.263 Attendance, Progress and Completion Records Required***

- (a) A board approved alarm training school shall have a qualified manager who shall comply with the requirements of the Act and these rules. The manager shall:
  - (1) issue an original certificate of completion to each qualifying student within seven days after the student qualifies;
  - (2) maintain adequate records to show attendance, progress, and grades of students and maintain on file a copy of each certificate issued to students at the board approved training school;
  - (3) make all required records available to investigators employed by the board for inspection during reasonable business hours; and
  - (4) retain training record for 36 months from the date of completion of training.
- (b) Qualified alarm training school instructors shall maintain records on file for inspection by bureau staff during business hours as proof of attendance and progress of grades of students.

***RULE §35.264 Alarm Systems Installer or Alarm Systems Salesperson***

- (a) The certificate of completion shall contain:
  - (1) name and approval number of the school;
  - (2) approval number(s) of qualified class room instructor(s);
  - (3) date of completion;
  - (4) name and signature of the manager of the school; and
  - (5) full name and social security number of the student.
- (b) The certificate of completion shall indicate that the student has passed the required test and shall contain the words "has successfully completed the alarm installers or alarm systems salespersons alarm training school approved by the Texas Private Security Board." The certificate of completion may be on a certificate form designed or approved by the board.

***RULE §35.265 Statutory or Rules Violations***

- (a) The board may refuse to accept a certificate of completion from an alarm training school upon receipt of proof of violation of the Act or these rules involving an owner, officer, partner, shareholder, manager, or alarm training program instructor.
- (b) The board may withdraw, suspend or revoke an approval of an alarm training school or approval of an alarm training instructor upon receipt of evidence that the school or instructor has violated the Act or these rules.

***RULE §35.266 Records Required on Manager***

- (a) Each board approved alarm training program shall:
  - (1) have a qualified manager, and they shall comply with the requirements of §1702.113 of the Act.
  - (2) register any owners, officers, partners, shareholders, and qualify a manager, and they shall meet the requirements under §1702.113 of the Act.
- (b) Each owner, officer, partner or shareholder and qualified manager of a board approved alarm training program shall, within 14 days after commencement of employment, submit an application to the board, the appropriate fees, and two sets of board approved fingerprint cards.
- (c) A board approved alarm training program shall register its owners, officers, partners, shareholders and qualified manager prior to renewal of the training program.

***RULE §35.267 Board Refusal of Certificate of Completion***

The board may refuse to accept a certificate of completion from a training school upon receipt of evidence of violation of the Act or these rules involving an owner, officer, partner, shareholder, qualified manager or instructor.

***RULE §35.268 Certificate of Completion***

- (a) The certificate of completion shall reflect the particular course or courses completed by a student during the training period.
- (b) All certificates of completion shall contain:
  - (1) name and approval number of the school;
  - (2) date of completion;
  - (3) name, signature and approval number of training instructor;
  - (4) name and signature of the qualified manager;
  - (5) full name and social security number of student;
  - (6) the date of final completion of the entire course; and
  - (3) the specific date of firearm qualification along with the name and approval number of the firearms instructor on those certificates designating completion of Level III.
- (c) The certificate of completion for firearms qualification shall:
  - (1) note the category of firearm as defined in §35.260(2)(A) and (B) and §35.258 (c) and (d) of this title (relating to Shotgun Training Requirements and Firearm Courses);
  - (2) note the caliber of firearm; and

- (3) be on a certificate form designed or approved by the board.

## **SUBCHAPTER R PERSONAL PROTECTION OFFICERS TRAINING**

### ***RULE §35.281 Training - Personal Protection Officers***

- (a) The personal protection officer course may only be offered by board approved commissioned personal protection officer training schools and taught by board approved personal protection officer instructors who are employed by the approved school. Personal protection officer training instructors must be approved to instruct Level Four training. To receive board approval, a school or instructor must submit an application to the board on a form provided by the board. Any person applying for approval as an instructor shall submit proof of qualification as required by the board. Proof of qualification as an instructor shall include, but not be limited to, the following:
- (1) An instructor's certificate issued by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for 3 or more years. Evidence may include:
    - (A) affidavit from employer;
    - (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 3 or more years. Evidence may include:
    - (A) affidavit from employer;
    - (B) a copy of curriculum taught;
  - (3) An instructor's certificate issued by the Texas Education Agency (TEA) along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for 3 or more years. Evidence may include:
    - (A) affidavit from employer;
    - (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 3 or more years. Evidence may include:
    - (A) affidavit from employer;
    - (B) a copy of curriculum taught; or
  - (5) Evidence of attending and successfully completing a board approved training course for Personal Protection Officer Instructors.
    - (A) 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 for a period of one year upon application to the board and payment of the renewal fee.

(B) a letter of approval for a personal protection officer instructor shall be considered a license with respect to suspension, revocation or denial.

(C) notice shall be given in writing to the board within 14 days after a change in address of the approved instructor.

(b) Level IV Training (Personal Protection Officer Training Course). The Personal Protection Officer Training Course shall consist of a minimum of 15 classroom hours and shall be offered by board approved personal protection officer training schools and taught by board approved personal protection training instructors. All training shall be conducted with board approved instructor present during all instruction. All students of a Personal Protection Officer Training Course shall be tested with an examination prepared by and obtained from the board.

(c) Personal Protection Officer Training Manual, Examination.

(1) The board's current version of the Personal Protection Officer Training Manual shall be used by all board approved personal protection officer schools and instructors as their curriculum and shall be obtained from the board.

(2) All students of a Personal Protection Officer Training Course shall be tested with the current version of an examination prepared by and obtained from the board.

(3) The passing grade of the Personal Protection Officer Training Course shall be a minimum of 75% correct answers on academic studies and must meet the minimum standards as set forth by the approved instructor on practical simulations.

(d) Certificate of Completion - Personal Protection Officer Training.

(1) The certificate of completion shall contain the:

(A) name and approval number of the school;

(B) name and signature of the school director;

(C) name, signature and approval number of the personal protection training instructor;

(D) date of completion;

(E) full name and social security number of the student; and

(F) complete address of the location where the training was conducted.

(2) Certificates of completion shall be issued by a board approved training school.

## **SUBCHAPTER S CONTINUING EDUCATION**

### ***RULE §35.291 Continuing Education Requirements***

(a) A license, registration, endorsement, or commission may not be renewed until the required minimum hours of board approved continuing education credits have been obtained in accordance with the Act and board rules. Proof of the required continuing education must be maintained by the employer and contained in the personnel file of the registrant's employing company.

(1) All registrants not specifically addressed in this section shall complete a total of eight (8) hours of continuing education, seven hours of which must be in subject matter that

relates to the type of registration held, and one (1) hour of which must cover ethics. Following the initial registration period, Qualified Managers of Class B licensed companies may take a one (1) hour course devoted to changes in laws and rules applicable to the security industry, as a substitute for the above ethics requirement.

- (2) Non-participating owners, partners, shareholders, non-commissioned security officers and administrative support personnel are specifically exempted from the continuing education requirements.
- (3) Private investigators and managers of Class A and Class C licenses with more than fifteen (15) years of continued registration as a private investigator or manager of a Class A or Class C license shall complete a total of twelve (12) hours of continuing education, eight (8) hours of which must be in subject matter that relates to the type of registration held, two (2) hours of which must be over ethics, and two (2) hours of which must involve the review of Texas Occupations Code, Chapter 1702, and the Board's Administrative Rules, Tex. Admin. Code, 37 TAC 35. Private Investigators and managers of Class A and Class C licenses with less than fifteen (15) years of continued registration as a private investigator or manager of a Class A or Class C license shall complete a total of eighteen (18) hours of continuing education, fourteen (14) of which must be in subject matter that relates to the type of registration held, two (2) hours of which must be over ethics, and two (2) hours of which must involve the review of Texas Occupations Code, Chapter 1702 and the Board's Administrative Rules, Tex. Admin. Code, 37 TAC 35.
- (4) Any person registered as a private investigator who fails to complete the required continuing education during the twenty-four (24) months of an initial registration is not eligible to make new or renewal application until such time as the training requirement for the previous registration period has been satisfied.
- (5) Commissioned security officers and personal protection officers shall complete six (6) hours of continuing education. Continuing education for commissioned security officers and personal protection officers must be taught by schools and instructors approved by the board to instruct commissioned security officers as defined in §1702.1685 of the Act. Commissioned security officers shall submit a firearms proficiency certificate along with their renewal application.
- (6) All registrants shall indicate they have completed the required minimum hours of board-approved continuing education credits on their application for renewal. A renewal application shall also include name of school, school number, seminar number, seminar date, and credits earned.
- (7) During the first (1st) twelve (12) months of initial registration each person employed as an alarm system installer or alarm systems salesperson must complete sixteen (16) hours of classroom instruction, as described in Chapter 1702, Texas Occupation Code, with two (2) hours covering the National Electrical Code (NEC) as it applies to low voltage. Any person employed as an alarm systems installer or alarm systems salesperson must obtain eight (8) hours of continuing education credits in 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 preceding the expiration date of registration in order to renew the registration.
- (8) For the protection of the installer and the general public, the work of an alarm system installer who has not completed the required sixteen (16) hours of instruction must be overseen by an installer who has completed the required sixteen (16) hours of instruction. The oversight required under this section need not involve direct, physical supervision, but the overseeing installer is responsible for ensuring that the installation complies with all applicable requirements and regulations.
- (9) Any person licensed as an alarm systems installer or alarm systems salesperson who fails to complete 16 hours of training during the 24 months of initial licensure or who

fails to complete 8 hours of continuing education during any subsequent licensing period is not eligible to make new or renewal application until such time as all training requirements for the previous license period have been satisfied.

- (10) Alarm monitors shall complete four (4) hours of continuing education in subject matter that relates to the duties and responsibilities of an alarm monitor.
- (11) Any person licensed by the board as an alarm instructor shall be authorized to instruct all alarm continuing education courses approved by the board.
- (12) Any person licensed by the board as a Level III or Level IV Instructor shall be authorized to instruct all continuing education courses approved by the board excluding alarm continuing education.
- (13) All persons registered or licensed as locksmiths must complete 16 hours of continuing education every two (2) years.

(b) Continuing education courses must provide instruction relating to one or more of the following:

- (1) investigative procedures and practices;
- (2) business practices;
- (3) legal aspects of private investigation or private security;
- (4) ethical aspects of private investigation or private security;
- (5) handgun proficiency as defined under §1702.168 of the Act;
- (6) instruction on equipment or procedures related to the field of licensure
- (7) any other course of instruction approved by the Department.

(c) The department may recognize courses of instruction received through any state-recognized university, college, or community college upon proof of attendance and completion of the course with a passing grade

### ***RULE §35.292 Continuing Education Schools***

(a) Except as otherwise provided by this subchapter, all continuing education credits must be earned through Department-approved continuing education schools.

(b) All department-approved continuing education schools shall comply with the following:

- (1) Each school must identify to the department a school director as its agent responsible for ensuring the school's compliance with these rules, including the maintenance of attendance records, the provision of such records to Department personnel upon request, and the verification of curricula and instructors' qualifications. The failure of this individual to perform these duties or to otherwise comply with applicable rules may result in the cancellation of the school's Certificate of Approval and the rejection of claims for continuing education credit obtained from that school.
- (2) School attendance records shall include the following:

- (A) subjects taught in each course of instruction;

(B) total hours of each course of instruction and the hours instructed on each subject;

(C) date of instruction;

(D) name, license number, and date(s) of attendance for each individual that attended a course of instruction;

(E) name and qualifications of instructor

(3) Schools shall issue certificates of attendance to registrants or licensees attending a course of instruction. The certificates of attendance shall contain the name and license number of the attendee, the date of attendance, the number of hours of attendance, and the course(s) of instruction attended. Each certificate shall be signed and dated by the school director.

(4) Schools shall maintain all records provided in subsection (4), above, for a period of three (3) years.

(5) The school director shall verify that the curriculum of each continuing education course offered is in compliance with Rule 35.291 of this chapter.

(6) The school director shall verify the qualifications of each instructor.

(7) All records reflecting the verification of curricula and qualifications, shall be retained for three (3) years.

(8) The school shall provide copies of all records required under this subchapter to the department upon request.

(c) Attendees of courses of continuing education shall maintain certificates of completion furnished by the school director in their files for a period of three (3) years. Attendees shall furnish the Bureau with copies of all certificates of completion upon request.

(d) Licensed companies with ten (10) or more registered employees may make a written request for a letter of exemption allowing them to provide continuing education to those employees registered under the requesting company's license. Such requests shall be addressed to the Program Manager. A letter of exemption granted under this section shall be valid for two (2) years. To qualify for a letter of exemption, the company must appoint a training director, assure that all training is in compliance with all related administrative rules, maintain proof of all training, and provide each employee with a certificate of training as required by this section. There is no annual fee associated with a letter of exemption issued under this subsection.

## **SUBCHAPTER T DELEGATION OF AUTHORITY**

### ***RULE §35.301 Manager***

(a) The board has determined that good cause exists to delegate to the manager:

(1) the authority to add new courses;

(2) the authority to change the curriculum of existing courses;

(3) the authority to add new examinations or to update existing examinations;

- (4) the authority to waive any rule in this Chapter if authorized by statute;
  - (5) the authority to conduct special projects.
  - (6) the authority to issue subpoenas pursuant to Section 1702.367.
- (b) The manager may delegate the authority to, under his general supervision, have this provision exercised by other bureau employees as appropriate.
- (c) Any temporary waiver or change outlined above will be reported to the board in a timely fashion.

## **SUBCHAPTER U LOCKSMITH**

### ***RULE §35.311 Exemptions***

(a) An owner or employee of a retail establishment open to the general public may perform work on a mechanical security device within the confines of the establishment, providing that the work is limited to servicing products sold by the establishment or duplicating keys;

(b) The installation of a pre-keyed lockset may be performed by an unlicensed person so long as the installer is hired directly by the recipient of the service, and is not employed by or on contract with the retail establishment from which the lockset was purchased, and the installation involves no re-keying or other internal manipulation of the locking mechanism or of any existing mechanical security devices;

(c) Repossession agents who are exclusively engaged in the business of repossession are exempted from licensure under the Act while using their own equipment and employees to decode or make keys, or to install or repair locks, for the property repossessed. Any third party contractor engaged to perform such services must be licensed as a locksmith.

(d) The above exemptions apply only if the person does not use the term "locksmith" or any similar term, or otherwise create the impression in a reasonable consumer that the person is a licensed locksmith.

### ***RULE §35.312 Mechanical Security Device***

A mechanical security device is any device designed to control or restrict the opening, closing or operation of a room, building, safe, vault, lockbox, safety deposit box or motor vehicle which is not an electric access control device or alarm system as defined by the Private Security Act.

### ***RULE §35.313 Electronic Access Control Device***

This chapter does not apply to manufacturers, manufacturers' distributors or installers of electronic access control devices whose sole intended purpose is to provide the public with convenient and unrestricted access, such as automatic pedestrian doors.



## **SUBCHAPTER V ACTIVE MILITARY AND SPOUSES- SPECIAL CONDITIONS**

### ***RULE §35.321 Exemption from Penalty for Failure to Renew in Timely Manner***

An individual who holds a license issued under the Act is exempt from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the department that the individual failed to renew the license in a timely manner because the individual was on active duty in the United States armed forces serving outside this state.

### ***RULE §35.322 Extension of Certain Deadlines for Active Military Personnel***

A person who holds a license issued under the Act, is a member of the state military forces or a reserve component of the armed forces of the United States, and is ordered to active duty by proper authority is entitled to an additional amount of time, equal to the total number of years or parts of years that the person serves on active duty, to complete:

- (1) Any continuing education requirements; and
- (2) Any other requirement related to the renewal of the person's license.

### ***RULE §35.323 Alternative License Procedure for Military Spouse***

- (a) An applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States who:
  - (1) Holds a current license issued by another state that has licensing requirements that are substantially equivalent to the Act's requirements for the license; or
  - (2) Within the five years preceding the application date held the license in this state that expired while the applicant lived in another state for at least six months.
- (b) The department may accept alternative demonstrations of professional competence, in lieu of existing experience or educational requirements.