

Texas Administrative Code

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 1 TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35 PRIVATE SECURITY

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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.

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

Licensees, 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 Good Standing

No license, registration, security officer commission or school approval shall be issued or renewed unless the licensee, registrant or commissioned security officer is in good standing with the board. Good standing includes, but is not limited to, compliance with Chapter 1702, Texas Occupations Code and these rules, no default on a student loan with the Texas Guaranteed Student Loan Corporation, a good standing of account status with the Comptroller of Public Accounts, and the payment in full of all administrative penalties assessed against the licensee, registrant, school or commissioned security officer. The manager has the discretion to waive the payment in full of all administrative penalties requirement for license renewal.

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 §35.33 Certificate of Installation

- (a) For purposes of interpreting the term "exterior structure opening" in §6(a)(2)(A), Texas Insurance Code, that term shall mean all exterior doors, windows, or other openings into a structure greater than 96 square inches with the smallest dimension exceeding six inches; provided however, that no opening is an "exterior structure opening" if it was designed and installed to be unmovable or inoperable and has not been reconstructed to be movable or operable. A garage door is not an exterior structure opening if all other exterior structure openings from the garage into the structure are contacted.
- (b) Any alarm system company may issue a certificate of installation pursuant to §1702.065 of the Texas Occupations Code.

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, if arrested, charged, or indicted for a criminal offense above the level of Class C misdemeanor shall within 72 hours notify their employer, who shall then notify the board by fax at (512) 424-7729 or in writing at the Austin office of the board within 72 hours of notification by licensee, 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.

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.
- (b) No entity name will be approved that is identical or substantially similar to that of a company whose license is currently under suspension or whose license has been revoked within the past five (5) years.
- (c) No entity name will be approved that is identical or substantially similar to that of a currently licensed company, without documentary proof either that the entities in question are owned by a common majority of individuals, or that the currently licensed company has consented to the use of the name by the prospective licensee.

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.

RULE §35.52 Summary Action Following Convictions

- (a) The provisions of §1702.364 of the Act, which empower the Bureau to summarily deny applications or to summarily suspend licenses or registrations based on arrests or pending charges, also apply to cases in which the licensee, applicant, or registrant has been convicted. In cases in which the Bureau discovers that a person has been convicted of a disqualifying offense, and the Bureau has not yet sought to summarily suspend or deny based on the underlying arrest, charge, or indictment, the Bureau may act summarily based on the conviction, by denying or revoking the applications, registration or license (as appropriate).
- (b) In cases in which the Bureau has summarily denied an application or suspended a registration or license based on an arrest or a pending charge, and the person is subsequently convicted, the application will remain denied, or the registration or license will be revoked.
- (c) A hearing on a summary denial or revocation based on a conviction shall be considered a "final" hearing under the provisions of §1702.364(e) of the Act.
- (d) Provisions (b), (c) and (d) of §1702.3615 apply to denials or revocations under §1702.364.

RULE §35.61 Written Examination

- (a) All manager or supervisor applicants shall pass a written examination administered by the board.
- (b) The passing grade of a written examination shall be 75% of the total points possible.
- (c) The written examination shall cover all sections of the Act and these rules.
- (d) Before being administered the written examination, the manager or supervisor 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, a manager or supervisor applicant 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 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 shall be in color and shall show a facial likeness of applicants. Photographs placed on pocket cards shall have been taken within six months prior to the issuance of the card and be 1" x 1 1/4" in size.

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) The fees submitted to the board shall be the same as provided in §1702.062 of the Texas Occupations Code 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 or security officer commission.
- (b) Fees collected by the board are not refundable or transferable.
- (c) 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.
- (d) Original fees shall not be prorated. The full license fee shall accompany all applications for original license.

RULE §35.71 Operation without Manager

When a qualified manager or supervisor of a license has terminated his position, 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.

RULE §35.72 Fingerprint Submission

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 obtained from the board along with any required fees to the board for the purpose of a criminal history check.

- (1) One set of classifiable fingerprints shall be submitted to the Texas Department of Public Safety Crime Records Service.
- (2) One set of classifiable fingerprints shall be submitted to the Federal Bureau of Investigation.

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 §35.77 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 §35.91 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) Chapter 2001 of the Texas Government Code, Chapter 1702 of the Texas Occupations Code, and these rules govern notice of any summary suspension, summary denial, imposition of penalty, preliminary hearing, pre-hearing conference, hearing before the board, notice of a contested case hearing before the State Office of Administrative Hearings (SOAH) or orders of the board.
- (b) 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.
- (c) 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.
- (d) The board may serve the notice of any summary suspension, summary denial, preliminary hearing, pre-hearing conference, hearing before the board, notice of a contested case hearing before SOAH or orders of the board, by mailing the notice by certified or registered mail to the last known address on file with the board at the time of the notice of those persons shown in subsection (b), by mailing the notice by certified or registered mail to the last known residence address on file with the board of those persons listed in subsection (c), or otherwise delivering the notice to such person. Additionally, the board will mail a copy of the notice of hearing by regular mail to any person that was mailed a notice by certified or registered mail. 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 shall develop, utilize, and publish guidelines for administrative penalties and ranges of violations of the Act and these rules.

RULE §35.94 Default Judgments

In cases brought before SOAH, in the event that the respondent is adjudged to be in violation of the Private Security Act or these rules, the board has the authority to assess, in addition to the penalty imposed, costs of the administrative hearing.

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 §35.111 Escort License Required

All guard companies, as defined by Title 10, Chapter 1702 Subchapter G, §1702.161, Texas Occupations Code, shall register any employee who wears a uniform commonly associated with private security or law enforcement prior to assigning employee to any uniformed escort duty. Pursuant to Attorney General Opinion No. GA-008(2003), this subchapter does not apply to a uniformed motorcycle escort service that performs only traffic control functions and traffic safety functions in connection with escorting a funeral procession or other motorcade.

RULE §35.112 Approved Uniforms

The uniform, badge and shoulder patch worn by an escort service shall be approved by the board during the application process. No uniform, badge, or shoulder-patch other than those approved by the board shall be worn.

RULE §35.113 Insurance

An insurance policy in the amount specified by Chapter 1702 of the Act shall remain in effect for the term of any license. A copy of proof on the approved board form shall be on file with the board prior to the issuance of a license.

RULE §35.114 Driver License Required

All uniformed employees shall have a valid Class M Driver License as described in Subchapter D §521.084 of the Texas Transportation Code.

RULE §35.115 Restrictions on Lights

All uniformed motorcycle escorts shall comply with §547.305(c), Texas Transportation Code, and may not operate a motor vehicle equipped with a red, white or blue beacon, flashing, or alternating light unless the operator is a peace officer commissioned by the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE).

RULE §35.116 Arrest for Conviction of Driving While Intoxicated

Any applicant or registrant may not be assigned to or be employed by a motorcycle escort service if that individual has been convicted of Driving While Intoxicated (DWI) during the five years preceding licensure or application to become licensed. Any registrant or licensee who is arrested for DWI shall be subject to immediate summary suspension.

RULE §35.117 Police Officers May Furnish Escorts

Nothing in this rule shall be construed to prohibit regularly employed officers of the state or any political subdivision of the state from furnishing uniformed motorcycle escort services when assigned by their respective departments or when providing a service in compliance with §1702.322 of the Act.

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.

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

(a) An applicant shall have successfully completed a board approved 30-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 bureau. The application shall include:

- (1) the required fee;
- (2) at least two sets of fingerprints on fingerprint cards obtained from the board and the \$25.00 FBI Fingerprint Check Fee;
- (3) a copy of the applicant's Level I and 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) Texas Driver License and or Texas Identification Certificate issued by the Texas Department of Public Safety.
- (6) Applicants who are not United States citizens shall submit a copy of their current alien registration card.
 - (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".

RULE §35.143 Drug Testing Required for Commissioned Security Officers

(a) At least 15% of a licensee's commissioned security officers at the main office and branch

offices must submit to a commercially available means of drug screening, or be examined by a licensed physician each quarter and be declared in writing to show no trace of drug dependency or illegal drug use.

- (b) Any drug test performed under subsection (a) of this section shall include tests for at least methamphetamine, THC and other cannabinoids, cocaine, opiates and amphetamines.
- (c) No licensee shall place on duty any commissioned security officer 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.

RULE §35.144 Violations by Commissioned Security Officers

In addition 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.

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.

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.

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

- (a) The security department of a private business that protects only the property of that private business may apply for and upon approval, receive a letter of authority for purposes of complying with §1702.223 of the Act.
- (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 obtained by a private business entity that employs commissioned or noncommissioned security officers to protect only its own property;
 - (2) register any unarmed security officers who come into contact with the public while protecting only the property of the private business in compliance with the provisions of the Act and these rules;
 - (3) 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;
 - (4) be valid for one year and shall be renewed upon receipt of a board approved renewal application and the renewal fee;
 - (5) be renewed during the calendar month preceding the month of expiration;
 - (5) 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
 - (6) 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.

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.

RULE §35.181 Employment Requirements

- (a) A registrant or commissioned security officer of a licensed company must meet the specifications defined by the Internal Revenue Service as an "employee" or "contract laborer."
- (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) In the public interest and to ensure the good conduct of applicants for a registration or a security officer commission, they shall meet the requirements of §1702.113 of the Act.
- (d) 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 §35.182 Fingerprints

- (a) An applicant for a registration, security officer commission or license under the provisions of this Act whose registration or board license has been expired for a period of time less than six months is not required to submit new fingerprint cards when making application.
- (b) Notwithstanding §35.61 of this chapter (relating to Registration Deadline) a licensee shall obtain the fingerprints of an applicant for a registration or security officer commission prior to assigning the applicant to duty.

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

Any person required to be registered with the board must have their application on file with the board within 14 days after commencing employment. Failure to comply may, at the discretion of the manager, result in denial of the application.

RULE §35.186 Registration Applications

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

- (1) the required fee;
- (2) at least two sets of fingerprints on cards obtained from the board and the \$25.00 FBI fingerprint fee;
- (3) a copy of the applicant's Level I and Level II certificate of completion;
- (4) a copy of the applicant's Texas Driver License or their identification certificate issued by the Department of Public Safety; and
- (5) applicants who are not United States citizens shall include a copy of their alien registration card.

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) Records of 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; or
 - (2) if a company has one or more branch offices, the records shall be maintained at the branch office where the registrant or commissioned security officer is employed.
- (b) A company shall notify the board 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

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.

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.

RULE §35.221 General Reciprocity

- (a) The board shall identify those criteria for licensing from a state with whom a reciprocal agreement has been made that meet the requirements of the Act and these rules.
- (b) The board shall establish an agreement of reciprocity for use in implementing reciprocal agreements with other states. The terms of the reciprocal agreement shall be binding upon the parties thereto and shall be enforceable through the dissolution of the agreement in the event of violation of its terms.
- (c) The board shall design an application form to be used by applicants for reciprocal license. The application shall contain:
 - (1) the applicant's name, business address and telephone number;
 - (2) the type of license(s) or other authorization(s) currently held by the applicant and the identifying number(s) of such license(s) or other authorization(s);
 - (3) the dates of licensure or other authorization(s) and expiration date of the applicant's current license(s) or other authorization(s);
 - (4) in the case of individual applicants, any company affiliation(s);
 - (5) a statement that the applicant has read, and agrees to comply with all provisions of the rules, regulations and statutes governing investigations and security contractor providers in the State of Texas;
 - (6) a statement that the applicant agrees to cooperate with any investigation initiated by the Texas Private Security Board;
 - (7) the payment of all applicable fees;
 - (8) any and all items or documents required under the provisions of the Act or these rules needed to complete the application as shall be specified in the reciprocal agreement with the applicant's state of license origin;
 - (9) an irrevocable consent that service of process, in connection with any complaint or disciplinary action filed against the applicant arising out of the applicant's investigation or security contractor activities in the reciprocating state may be made by the delivery of such process on the administrator of the originating state regulatory agency; and
 - (10) a statement that the applicant's investigations company or security contractor license or other authorization has not been suspended and/or revoked within a period of ten years immediately preceding that application of previously-satisfied qualifications or reciprocal licensure.
- (d) An agreement to enter a reciprocal agreement with another state shall be approved by the Governor of Texas.

RULE §35.222 Limited Reciprocity

- (a) The manager may enter into a limited reciprocal agreement with another state in compliance with Title 10, Chapter 1702.1183 of the Act permitting private investigators to enter Texas for limited periods of time.
- (b) All limited reciprocal agreements will be for completion of contracts executed in the state where the investigator is licensed and in good standing.
- (c) The governing board of each state/party to the agreement shall, through the signature of the department director, approve any agreement made under this provision.

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.

RULE §35.241 Business Evaluation Service

(a) The board has determined that Chapter 1702 of the Act does not apply to a person who poses or acts anonymously as a customer or client of a business or governmental entity or is in the business of providing the services of another for the purpose of evaluating the following operations or services of the business or governmental entity:

- (1) a service or product provided to a customer or client;
- (2) compliance with policies and operational procedures;
- (3) the appearance, cleanliness, efficiency, and other operations of the office, facility, or physical plant;
- (4) the friendliness, courtesy, or appearance of an employee;
- (5) the necessity or effectiveness of a training program or employee reward or other incentive program;
- (6) the quality, availability, or price of goods or services; and
- (7) other operations or customer services of the business or governmental entity the evaluation of which is not otherwise prohibited by this chapter.

(b) A person described by subsection (a) of this section is entitled to the exemption under the subsection only if the person:

- (1) uses an evaluation tool prescribed or approved by the business or governmental entity seeking the evaluation;
- (2) does not engage in the investigation or observation of an employee or agent to determine whether the employee or agent has committed a crime; and
- (3) the information obtained is not intended to be used by the business or governmental entity as the sole basis for the discipline or discharge of an employee or agent.

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.

RULE §35.251 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 has:
 - (1) developed an adequate training course or is 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 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

RULE §35.252 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 and maintain on file a copy of each certificate issued to students at the board approved training school; and
 - (3) make all required records available to investigators employed by the board for inspection during reasonable business hours.
- (b) Upon renewal, any board approved training school that has not submitted applications to register its owners, officers, partners, shareholders and qualified a manager shall be required to do so before the renewal can be completed along with any applications, fees, or fingerprints that may be required for licensing.

RULE §35.253 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 §35.254 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 Letter of Approval

An application for approval as an instructor shall contain evidence of qualification as required by the board. Instructors may be approved for classroom and/or firearm training. An individual may apply for approval for one or both of these categories. To qualify for a classroom or firearm instructor approval the applicant for approval must submit acceptable certificates of training for each category. The classroom instructor and firearm certificates shall each have consisted of a minimum of 40 hours of board approved instruction.

(1) Proof of qualification as a classroom instructor shall include, but not be limited to:

(A) an instructor's certificate issued by Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE);

(B) an instructor's certificate issued by federal, state or political subdivision law enforcement academy;

(C) an instructor's certificate issued by the Texas Education Agency; and

(D) an instructor's certificate relating to law enforcement, private security or industrial security issued by a junior college, college or university.

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

(A) an instructor's certificate issued by the Law Enforcement Activities Division of the National Rifle Association (NRA);

(B) an instructor's certificate issued by TCLEOSE; and

(C) a firearm instructor's certificate issued by a federal, state or political subdivision law enforcement agency approved by the manager.

(3) 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.

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

(A) The instructor or applicant has violated any provisions of the Act or these rules;

(B) The qualifying instructor's certificate has been revoked or suspended by the issuing agency;

(C) A material false statement was made in the application; or

(D) The instructor does not meet the qualifications set forth in the provisions of the Act and these rules as amended.

RULE §35.257 Training Courses

(a) Guard Training Courses.

- (1) In accordance with the Act, the following training shall be required of registrants and commissioned security officers:
 - (A) Level I - All registrants, and commissioned security officers including noncommissioned security officers, private investigators, branch office managers, licensed managers, alarm systems monitors, dog trainers and security consultants and excluding alarm installers, alarm salespersons, owner, officers, partners, and shareholders. A certificate indicating completion of Level I training shall be submitted to the board along with the application to register the individual within 14 days after they commence employment.
 - (B) Level II - All noncommissioned security officers and commissioned security officers. A certificate indicating completion of Level II training shall be submitted to the board within 14 days after they commence employment.
 - (C) Level III Training - 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.
- (2) Level I and 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 I and 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 I, 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 salesperson:
 - (A) Alarm Level I - All individuals employed as an alarm systems installer or a security 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.

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 security officer commission.
- (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 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 §35.262 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 §35.263 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 program approval shall be on a form prescribed by the board.
- (b) A letter of approval shall be granted by the manager to all qualified alarm training programs and shall be valid for one year and may be renewed by submitting an application for renewal no later than 30 days prior to the expiration date along with any required fees.
- (c) In addition to meeting the requirement of §1702.113 of the Act, a qualified manager for an alarm training program 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.

RULE §35.264 Attendance, Progress and Completion Records Required

- (a) A board approved alarm training program shall:
 - (1) issue an original certificate of completion to each qualifying student within 7 days after the student qualifies;
 - (2) maintain adequate records to show attendance, progress, and grades of students; and
 - (3) make all records required to be maintained available for inspection by bureau staff during business hours.
- (b) Qualified alarm training program 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 §35.265 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 program approved by the Texas Private Security Board."

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 Statutory or Rules Violations

- (a) The board may refuse to accept a certificate of completion from an alarm training program 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 program or approval of an alarm training instructor upon receipt of evidence that the program or instructor has violated the Act or these rules.

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
 - (7) 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.

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. Board official Personal Protection Officer Training Video Tapes shall be obtained from the board and used as the curriculum.

(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.

RULE §35.291 Continuing Education Courses

- (a) A license 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) The manager or his designee shall approve classes for continuing education that are determined to meet the qualifications of the Act and board rules.
 - (12) Any person licensed by the board as an alarm instructor shall be authorized to instruct all alarm continuing education courses approved by the board.
 - (13) 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.
- (b) To receive board approval, a continuing education course shall contain 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; and/or
 - (6) any other course of instruction approved by the manager.
- (c) To receive board approval, a continuing education course shall contain at least one (1) clock hour of instruction.
- (d) The manager shall approve courses for continuing education that are determined to meet the qualifications of these rules and the Act.

RULE §35.292 Requirements for Continuing Education Courses

- (a) All recognized continuing education schools shall be licensed by the Bureau.
- (b) All continuing education schools shall comply with the following:
 - (1) Schools shall have a physical address within the state of Texas. A U.S. post office box or private postal service box will not be considered a physical address.
 - (2) Schools shall have a school director who lives and maintains an office in the state of Texas.
 - (3) The school director shall maintain attendance records within the state of Texas.
 - (4) 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.
 - (5) Schools shall issue a certificate of attendance to each individual attending a course of instruction. The certificate 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.
 - (6) Schools shall teach all continuing education courses in the state of Texas, unless the course has a Texas-licensed continuing education school sponsor approved by the Bureau. A Texas school must make a written request to sponsor an out of state course of instruction to the Bureau at least sixty (60) days prior to the course presentation. The Texas school shall maintain records of instructors, courses taught, number of hours presented, and any Texas licensed or registered attendees of the sponsored school for a period of five (5) years.
- (c) School directors of licensed continuing education schools shall comply with the following:
 - (1) The school director shall maintain all records of attendance within the state of Texas.
 - (2) The school director shall provide each attendee with a certificate of attendance/completion upon completion of any course. Each certificate shall be signed and dated by the school director.
 - (3) The school director shall verify that each continuing education course offered is in compliance with all administrative rules related to continuing education courses.
 - (4) The school director shall verify the qualifications of each instructor and adjunct or assistant instructor. Verification records shall be retained for five (5) years.

- (5) The school director shall provide copies of all school records to the bureau upon request.
- (6) The school director shall pay an annual licensing fee of \$300.00.
- (d) Instructors of licensed continuing education schools shall comply with the following:
 - (1) The instructor shall pay an annual licensing fee of \$100.00.
 - (2) The instructor shall provide proof of qualifications/expertise and a course outline for each course of instruction to the school director sponsoring the course taught by the instructor.
 - (3) Instructors may use adjunct or assistant instructor to assist in presenting courses of instruction. The instructor shall provide proof of the qualifications of any adjunct or assistant instructor to the school director sponsoring the course. The instructor must be in attendance with the adjunct or assistant instructor during the presentation.
- (e) 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.
- (f) The Bureau 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.
- (g) Companies licensed by the Bureau 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 Bureau 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.
- (h) The Bureau shall inspect the continuing education records of 10% of licensees and registrants annually to assure compliance with these requirements and to maintain the integrity of the continuing education program.

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.
- (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.

RULE §35.311 Exemptions

An owner or employee of a retail establishment open to the general public may perform work on a mechanical security device of the general public within the confines of the establishment, providing that the person does not use the term "locksmith" or any similar term that would lead a reasonable consumer to believe that the person is a registered locksmith. The work on the mechanical security device must be limited to servicing products sold by the establishment or duplicating keys.

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.

