

RD-0223-GA



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OPINION COMMITTEE

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May 6, 2004

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Attorney General Greg Abbott  
Attn: Nancy Fuller  
P.O. Box 12548  
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FILE # ML-43691-04  
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Dear General Abbott:

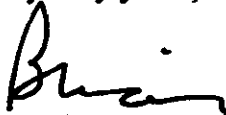
In Section 1702.002, Occupations Code, Section (1)(B), in SB1252, an alarm system is defined as "electronic equipment and devices using a computer or data processor designed to control the access of a person, vehicle, or object through a door, gate, or entrance into the controlled area of a residence or business." Defined in these terms, are garage openers included in the amendment to the Texas Occupations Code passed in May 2003 and currently in effect?

If garage door openers are included, would any company that installs, maintains or repairs garage door openers be subject to licensing requirements? What would the consequences be for a manufacturer who knowingly or unknowingly sells to unlicensed or unregistered entities? Also, are its employees required to complete commission-approved training programs as is stated in Sections 7 and 12 of SB 1252?

Conversely, is it your opinion that companies who sell garage door openers fall under the auspices of the Texas Commission on Private Security? If this is the case, would installers of garage door openers be required to complete the same training programs as security alarm installers?

In conclusion, as Chairman of Ways and Means, I ask that clarification be made on whether SB 1252 applies to the residential garage door opener industry based on the definition of an alarm system, and if so, how the Occupations Code would be interpreted as applying to this industry. Your opinion will be greatly appreciated.

Very truly yours,

  
Brian McCall