

HOUSE BILL 261

C2

1lr1044

(PRE-FILED)

By: **Delegate T. Branch**

Requested: October 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 23, 2021

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Battery-Charged Fence Security Systems – Regulation**

3 FOR the purpose of authorizing a local government to require that certain persons who
4 provide battery-charged fence security systems comply with certain laws, require
5 certain persons who operate or install certain security systems to obtain certain
6 registrations or permits, require a certain installer to submit a certain affidavit, and
7 conduct a certain inspection; authorizing a local government to issue a citation under
8 certain circumstances; prohibiting a local government from imposing certain
9 additional requirements on certain persons, requiring a certain person to obtain
10 certain permits or pay certain fees, or prohibiting the use of a battery-charged fence
11 security system for a certain purpose; providing for the applicability of certain
12 provisions of law; defining ~~a~~ certain ~~term~~ terms; and generally relating to
13 battery-charged fence security systems.

14 BY adding to

15 Article – Business Regulation

16 Section 19-902

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2020 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **19-902.**

2 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) (I) ~~“BATTERY-CHARGED~~ BATTERY-CHARGED FENCE SECURITY
5 SYSTEM” MEANS AN ALARM SECURITY SYSTEM THAT INCLUDES A FENCE, A
6 BATTERY-OPERATED ENERGIZER CONNECTED TO THE FENCE AND INTENDED TO
7 PERIODICALLY DELIVER VOLTAGE IMPULSES TO THE FENCE, A BATTERY-CHARGING
8 DEVICE USED EXCLUSIVELY TO CHARGE THE BATTERY, AND ANY OTHER ANCILLARY
9 COMPONENTS AND ATTACHED EQUIPMENT.

10 (2) (II) ~~“BATTERY-CHARGED~~ “BATTERY-CHARGED FENCE SECURITY SYSTEM” DOES NOT
11 INCLUDE:

12 1. DEER FENCING;

13 2. LIVESTOCK FENCING; OR

14 3. A WIRELESS SECURITY SYSTEM AS DEFINED IN §
15 19-901 OF THIS SUBTITLE.

16 (3) “DEER FENCING” MEANS FENCING THAT IS ENGINEERED TO
17 EXCLUDE OR CONTAIN DEER OR ELK.

18 (B) THIS SECTION APPLIES ONLY TO A BATTERY-CHARGED FENCE
19 SECURITY SYSTEM THAT:

20 (1) INTERFACES WITH A MONITORED ALARM DEVICE IN A MANNER
21 THAT ENABLES THE ALARM SYSTEM TO TRANSMIT A SIGNAL INTENDED TO ALERT
22 THE OWNER OF THE BATTERY-CHARGED FENCE SECURITY SYSTEM OR LAW
23 ENFORCEMENT;

24 (2) HAS AN ENERGIZER THAT:

25 (I) IS POWERED BY A COMMERCIAL STORAGE BATTERY THAT
26 PROVIDES NOT MORE THAN 12 VOLTS OF DIRECT CURRENT; AND

27 (II) MEETS THE STANDARDS SET FORTH IN THE
28 INTERNATIONAL ELECTROTECHNICAL COMMISSION STANDARD 60335-2-76,
29 CURRENT EDITION;

30 (3) IS LOCATED:

1 (I) BEHIND A NONELECTRIC PERIMETER FENCE OR WALL THAT
2 IS AT LEAST 5 FEET TALL; AND

3 (II) ON PROPERTY THAT IS NOT ZONED AS RESIDENTIAL USE
4 ONLY;

5 (4) IS NOT TALLER THAN 10 FEET OR 2 FEET TALLER THAN THE
6 HEIGHT OF THE PERIMETER FENCE OR WALL, WHICHEVER IS TALLER; AND

7 (5) IS MARKED WITH WARNING SIGNS POSTED CONSPICUOUSLY ON
8 THE FENCE AT 30 FOOT INTERVALS THAT STATE: "WARNING – ELECTRIC FENCE".

9 (C) (1) A LOCAL GOVERNMENT MAY:

10 (I) REQUIRE A PERSON WHO PROVIDES A BATTERY-CHARGED
11 FENCE SECURITY SYSTEM TO COMPLY WITH A LOCAL ALARM ORDINANCE OR OBTAIN
12 AN ALARM BUSINESS REGISTRATION OR PERMIT;

13 (II) REQUIRE A PERSON WHO OPERATES OR CAUSES TO BE
14 OPERATED A BATTERY-CHARGED FENCE SECURITY SYSTEM TO COMPLY WITH A
15 LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM SYSTEM REGISTRATION OR
16 PERMIT;

17 (III) REQUIRE AN INSTALLER, ON COMPLETION OF A NEWLY
18 INSTALLED BATTERY-CHARGED FENCE SECURITY SYSTEM, TO SUBMIT TO THE
19 LOCAL GOVERNMENT AN AFFIDAVIT THAT INCLUDES:

20 1. THE ADDRESS OF THE INSTALLATION;

21 2. THE NAME OF THE INSTALLER;

22 3. THE DATE OF THE INSTALLATION; AND

23 4. AN AFFIRMATION THAT THE CRITERIA IN SUBSECTION
24 (B) OF THIS SECTION ARE SATISFIED; AND

25 (IV) INSPECT THE NEWLY-INSTALLED BATTERY-CHARGED
26 FENCE SECURITY SYSTEM AFTER RECEIPT OF AN AFFIDAVIT UNDER ITEM (III) OF
27 THIS PARAGRAPH, IF REQUIRED.

28 (2) IF, FOLLOWING AN INSPECTION CONDUCTED BY A LOCAL
29 GOVERNMENT UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, A
30 BATTERY-CHARGED FENCE SECURITY SYSTEM FAILS TO COMPLY WITH THE

1 CRITERIA REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, A LOCAL
2 GOVERNMENT MAY:

3 (I) ISSUE A CITATION:

4 1. DESCRIBING THE SPECIFIC NONCOMPLIANCE; AND

5 2. REQUIRING THAT THE BATTERY-CHARGED FENCE
6 SECURITY SYSTEM BE MADE COMPLIANT WITHIN A TIME PERIOD REQUIRED BY THE
7 LOCAL GOVERNMENT; AND

8 (II) IMPOSE, IF A BATTERY-CHARGED FENCE SECURITY SYSTEM
9 IS NOT MADE COMPLIANT, A FINE NOT EXCEEDING \$500.

10 (3) A LOCAL GOVERNMENT MAY NOT:

11 (I) IMPOSE ADDITIONAL INSTALLATION OR OPERATIONAL
12 REQUIREMENTS;

13 (II) REQUIRE A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS
14 SUBSECTION TO OBTAIN AN ELECTRICAL PERMIT;

15 (III) PROHIBIT THE USE OF A BATTERY-CHARGED FENCE
16 SECURITY SYSTEM THAT IS INTENDED TO BE USED FOR SECURITY; OR

17 (IV) REQUIRE ADDITIONAL PERMITS OR FEES OTHER THAN
18 THOSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

19 (D) BATTERY-CHARGED FENCE SECURITY SYSTEMS ARE NOT EXEMPT FROM
20 TITLE 18 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.