

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 261
Economic Matters

(Delegate T. Branch)

Finance

Business Regulation - Battery-Charged Fence Security Systems - Regulation

This bill generally authorizes a local government to regulate the installation of battery-charged fence security systems. If a battery-charged fence security system fails to comply with specified criteria, a local government is authorized to (1) issue a citation describing the specific noncompliance and require that the system be made compliant, and (2) impose a fine not exceeding \$500 if the system is not made compliant. Battery-charged fence security systems are not exempt from licensing and registration requirements for installers of security systems in current law.

Fiscal Summary

State Effect: None. The bill pertains only to local governments.

Local Effect: No effect on local government revenues or expenditures as the bill is authorizing in nature. The bill’s penalty provisions do not materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: A “battery-charged fence security system” is an alarm security system that includes a fence, a battery-operated energizer connected to the fence and intended to periodically deliver voltage impulses to the fence, a battery-charging device used exclusively to charge the battery, and any other ancillary components and attached equipment. “Battery-charged fence security system” does not include deer fencing,

livestock fencing, or a wireless security system, as specified. “Deer fencing” means fencing that is engineered to exclude or contain deer or elk.

The bill’s provisions apply only to a battery-charged fence security system that (1) interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to alert the owner of the system or law enforcement; (2) has an energizer that meets specified standards; (3) is located behind a nonelectric perimeter fence or wall that is at least 5 feet tall and on property that is not zoned as residential use only; (4) is not taller than 10 feet or 2 feet taller than the height of the perimeter fence or wall, whichever is taller; and (5) is marked with warning signs posted conspicuously on the fence at 30 foot intervals that state: “warning – electric fence.”

A local government may (1) require a person who provides a battery-charged fence security system to comply with a local alarm ordinance or with local registration or permit requirements; (2) require a person who operates or causes to be operated a battery-charged fence security system to comply with a local alarm ordinance or with local registration, or permit requirements; (3) require an installer, on completion of a newly installed battery-charged fence security system, to submit to the local government an affidavit containing specified information; and (4) inspect the newly-installed system after receipt of an affidavit, as specified.

A local government may not (1) impose additional installation or operational requirements; (2) require additional permits or fees, as specified; (3) prohibit the use of a battery-charged fence security system that is intended to be used for security; or (4) require additional permits or fees, other than those specified in the bill.

Current Law/Background: Chapter 205 of 2018 prohibits a local government from requiring an electrical license or an electrical permit to install, maintain, inspect, replace, or service specified low-voltage wireless security systems. The prohibition only applies if the wireless security system does not require the submission of a fire protection plan review to a local government for compliance with State or local building codes. A local government may require a person who provides wireless security systems to comply with a local alarm ordinance or to obtain an alarm business registration, alarm system registration, or permit under specified circumstances but cannot require the person to obtain an electrical permit. Wireless security systems are not exempt from existing State licensing requirements related to security system licensing and registration and must comply with any State or local building codes.

Generally, a person may not engage, or solicit to engage, in the business of providing security systems services in the State unless the person obtains a license from the Department of State Police and meets specified requirements. Similarly, an individual may not personally provide security systems services unless the individual is registered as a

security systems technician. There are limited exceptions. State law does not preempt local governments from licensing or regulating security systems agencies or security system users, and the bill does not exempt providers of battery-charged fence security systems from the State's security system licensing and registration requirements.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Anne Arundel, Charles, Frederick, Montgomery, and Somerset counties; Maryland Association of Counties; Maryland Municipal League; Department of State Police; Department of Legislative Services

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