

By: Representative Zuber

To: Insurance

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 823

1 AN ACT TO AMEND SECTION 73-69-5, MISSISSIPPI CODE OF 1972, TO
2 DEFINE A BATTERY-CHARGED SECURITY FENCE; TO AMEND SECTION
3 73-69-27, MISSISSIPPI CODE OF 1972, TO PROHIBIT MUNICIPALITIES OR
4 COUNTIES FROM REGULATING BATTERY-CHARGED SECURITY FENCES AND
5 BATTERY-CHARGED SECURITY FENCE CONTRACTING; AND FOR RELATED
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 73-69-5, Mississippi Code of 1972, is
9 amended as follows:

10 73-69-5. As used in this chapter, the following terms shall
11 have the meanings specified in this section:

12 (a) "Alarm contracting" means providing an electronic
13 protective system to another, including, but not limited to, the
14 design, planning with the intent to pre-wire, pre-wiring,
15 installation, maintenance, repair, testing, modification,
16 improvement, alteration, inspection or servicing of an electronic
17 protective system; holding one's self or one's company out for
18 hire to perform any such task; or otherwise offering to perform
19 any such task for compensation directly.



20 (b) "Alarm contracting company" means an entity that
21 holds a Class A license issued by the State Fire Marshal pursuant
22 to this chapter.

23 (c) "Alarm verification" means an attempt by a
24 monitoring company or its representative to contact a burglar
25 alarm location or a burglar alarm user by telephone or other
26 electronic means to determine whether a burglar alarm signal is
27 valid in an attempt to avoid unnecessary police response before
28 requesting law enforcement to be dispatched to the location.
29 Alarm verification further means that at least a second call shall
30 be made to a different number if the first attempt fails to reach
31 an alarm user. All persons licensed to monitor alarms in
32 Mississippi shall employ alarm verification standards as defined
33 in the latest version of ANSI/CSAA CS-V-01, for all burglar alarm
34 signals except for hold-up alarms.

35 (d) "Board" means the Electronic Protection Advisory
36 Licensing Board.

37 (e) "Burglar alarm" or "burglar alarm system" or
38 "intrusion detection system" or "electronic protective system"
39 means an alarm, alarm system or portion of such an alarm or system
40 that is intended to detect or warn of an intrusion or other
41 emergency in a structure. Such systems shall be certified per the
42 latest version of ANSI/SIA CP01.

43 (f) "Company" means a proprietorship, partnership,
44 corporation, limited liability company or any other entity.



45 (g) "Designated agent" means an owner or employee who
46 holds a Class B license of an alarm contracting company who has
47 been assigned the responsibility of submitting any notice required
48 by this chapter to the State Fire Marshal.

49 (h) "Supervision" means direct on-site supervision by a
50 qualified license holder for the duties being performed.

51 (i) "Electronic protective system" means a device or a
52 series or assembly of interconnected devices which, when activated
53 by automatic or manual means, produces an audible, visual or
54 electronic signal intended to detect or warn of a threat to a
55 structure or emergency to or from its occupants. This term shall
56 include a battery-charged security fence, burglar alarm system,
57 intrusion detection system, closed-circuit video system or
58 electronic access control system, all as defined in this chapter,
59 or a portion or combination of such alarms or systems. However,
60 the term "electronic protective system" shall not include the
61 following: (i) an alarm system installed in a motor vehicle; (ii)
62 a burglar alarm system, or household fire warning system sold at
63 retail to an individual end user for self-installation; (iii) a
64 single-station fire alarm system sold at retail to an individual
65 end user for self-installation or installed by a fire department,
66 the State Fire Marshal Office, a public agency, a volunteer fire
67 association or their designated representatives.

68 (j) "Employee" means a person who performs services for
69 wages or salary.



70 (k) "Employer" means a person or entity who hires
71 another to perform services for a wage or salary.

72 (l) "Individual license" means a Class B, C, D or H
73 license issued by the State Fire Marshal pursuant to this chapter.

74 (m) "Licensee" means a person or entity to which a
75 license is granted pursuant to this chapter.

76 (n) "Officer" means the president, vice president,
77 secretary, treasurer, comptroller or any other person who performs
78 functions for an alarm contracting company, corresponding to those
79 performed by those officers.

80 (o) "Operating location" means a physical address that
81 houses or maintains records of clients.

82 (p) "Person" means a natural person or individual.

83 (q) "Principal" means a person or entity that owns at
84 least twenty percent (20%) of an alarm contracting company
85 regardless of the form of organization.

86 (r) "Salesperson" means a person who solicits another
87 on behalf of an alarm contracting company by door-to-door personal
88 interaction, or a person who participates in the design, planning,
89 specification or layout of an electronic protective system on
90 behalf of an alarm contracting company.

91 (s) "Closed-circuit video system" means an electronic
92 protective system that provides video surveillance of events,
93 primarily by means of transmission, recording, or transmission and



94 recording of visual signals through the use of cameras, receivers,
95 monitors and other visual imaging systems.

96 (t) "Electronic access control system" means an
97 electronic protective system that is powered by the building's
98 primary power source and is used as a process to grant or deny an
99 individual access to a specific area or object based upon their
100 possession of an item (which requires a decoder), a code or
101 physical characteristic (biometrics).

102 (u) "Smoke alarm" means a single_ or multiple-station
103 alarm responsive to smoke.

104 (v) "Single-station alarm" means a detector comprising
105 an assembly that incorporates sensor, control components and an
106 alarm notification appliance in one (1) unit operated from a power
107 source either located in the unit or obtained at the point of
108 installation.

109 (w) "Multiple_ station alarm" means two (2) or more
110 single-station alarm devices that can be interconnected so that
111 actuation of one causes all integral or separate audible alarms to
112 operate; or one (1) single-station alarm device having connections
113 to other detectors or to a manual fire alarm box.

114 (x) "Heat detector" means a fire detector that detects
115 either abnormally high temperature or rate-of-temperature rise, or
116 both.

117 (y) "Battery-charged security fence" means an alarm
118 system and ancillary components, or equipment attached to such a



119 system, including, but not limited to: a fence, a
120 battery-operated energizer which is intended to periodically
121 deliver voltage impulses to the fence connected to it, and a
122 battery charging device used exclusively to charge the battery.
123 The battery-charged security fence shall meet all the following
124 requirements:

125 (i) Interfaces with a monitored alarm device in a
126 manner that enables the alarm system to transmit a signal intended
127 to summon the business and/or law enforcement in response to an
128 intrusion or burglary;

129 (ii) Is located on property that is not designated
130 by a municipality or county exclusively for residential use;

131 (iii) Has an energizer that is powered by a
132 commercial storage battery that is not more than twelve (12) volts
133 of direct current;

134 (iv) Has an energizer that meets the standards set
135 forth by the International Electrotechnical Commission Standard
136 60335-2-76, current edition;

137 (v) Is surrounded by a nonelectric perimeter fence
138 or wall that is not less than five (5) feet in height;

139 (vi) Does not exceed ten (10) feet in height or
140 two (2) feet higher than the nonelectric perimeter fence or wall
141 described in subparagraph (v) of this paragraph, whichever is
142 higher;



143 (vii) Is marked with conspicuous warning signs
144 that are located on the battery-charged security fence at not more
145 than 30-foot intervals and that reads: "WARNING-ELECTRIC FENCE".

146 **SECTION 2.** Section 73-69-27, Mississippi Code of 1972, is
147 amended as follows:

148 73-69-27. (1) Except for requirements which pertain to all
149 types of businesses generally, no county or municipality shall
150 enact any new ordinance, rule or regulation regulating companies
151 and persons subject to licensure pursuant to this chapter.

152 (2) This chapter shall supersede any existing county or
153 municipal ordinance, rule or regulation requiring certification or
154 licensure of companies and persons engaged in alarm contracting,
155 and such ordinances, rules and regulations shall be null, void and
156 of no effect.

157 (3) Additionally, this chapter shall supersede any existing
158 county or municipal ordinance, rule or regulation requiring
159 certification or licensure of companies and persons engaged in
160 alarm contracting, battery-charged security fence contracting,
161 closed-circuit video system contracting or electronic access
162 control system contracting and such ordinances, rules and
163 regulations shall be null, void and of no effect.

164 (4) Notwithstanding any other law to the contrary, a
165 municipality or county may not adopt or enforce an ordinance,
166 order or regulation that:



167 (a) Requires a permit or fee for the installation or
168 use of a battery-charged security fence that is in addition to an
169 alarm system permit issued by the municipality or county; no
170 further permit or fee shall be required for the battery-charged
171 security fence;

172 (b) Imposes installation or operational requirements
173 for the battery-charged security fence that are inconsistent with
174 the requirements and standards described in Section 73-69-5(y); or

175 (c) Prohibits the installation or use of a
176 battery-charged security fence.

177 **SECTION 3.** This act shall take effect and be in force from
178 and after July 1, 2022.

