

By: Senator(s) Williams

To: Municipalities

SENATE BILL NO. 2871

1 AN ACT TO AMEND SECTION 73-69-5, MISSISSIPPI CODE OF 1972, TO  
 2 REVISE THE DEFINITION OF THE TERM "ELECTRONIC PROTECTIVE SYSTEM"  
 3 AS USED IN THE MISSISSIPPI ELECTRONIC PROTECTION LICENSING ACT TO  
 4 INCLUDE A BATTERY-CHARGED SECURITY FENCE; TO DEFINE THE TERM  
 5 "BATTERY-CHARGED SECURITY FENCE"; TO AMEND SECTION 73-69-27,  
 6 MISSISSIPPI CODE OF 1972, TO PROHIBIT MUNICIPAL OR COUNTY  
 7 ORDINANCES WHICH IMPOSE CERTAIN REQUIREMENTS RELATING TO THE  
 8 INSTALLATION OR USE OF A BATTERY-CHARGED FENCE; AND FOR RELATED  
 9 PURPOSES.

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

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

13 73-69-5. As used in this chapter, the following terms shall  
 14 have the meanings specified in this section:

15 (a) "Alarm contracting" means providing an electronic  
 16 protective system to another, including, but not limited to, the  
 17 design, planning with the intent to pre-wire, pre-wiring,  
 18 installation, maintenance, repair, testing, modification,  
 19 improvement, alteration, inspection or servicing of an electronic  
 20 protective system; holding \* \* \* one's self or one's company out



21 for hire to perform any such task; or otherwise offering to  
22 perform any such task for compensation directly.

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

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

38 (d) "Board" means the Electronic Protection Advisory  
39 Licensing Board.

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



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

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

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

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



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

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

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

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

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

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

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

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

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

94           (s) "Closed-circuit video system" means an electronic  
95 protective system that provides video surveillance of events,



96 primarily by means of transmission, recording, or transmission and  
97 recording of visual signals through the use of cameras, receivers,  
98 monitors and other visual imaging systems.

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

105 (u) "Smoke alarm" means a single\_ or multiple-station  
106 alarm responsive to smoke.

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

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

117 (x) "Heat detector" means a fire detector that detects  
118 either abnormally high temperature or rate-of-temperature rise, or  
119 both.



120           (y) "Battery-charged security fence" means an alarm  
121 system and ancillary components, or equipment attached to such a  
122 system, including, but not limited to, a fence, a battery-operated  
123 energizer which is intended to periodically deliver voltage  
124 impulses to the fence connected to it, and a battery-charging  
125 device used exclusively to charge the battery. The  
126 battery-charged security fence shall meet all the following  
127 requirements:

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

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

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

137           (iv) Has an energizer that meets the standards set  
138 forth by the International Electrotechnical Commission Standard  
139 60335-2-76, current edition;

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

142           (vi) Does not exceed ten (10) feet in height or  
143 two (2) feet higher than the nonelectric perimeter fence or wall



144 described in subparagraph (v) of this paragraph, whichever is  
145 higher;

146 (vii) Is marked with conspicuous warning signs  
147 that are located on the Battery-charged security fence at not more  
148 than 30-foot intervals and that read: "WARNING - ELECTRIC FENCE."

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

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

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

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

167 (4) Notwithstanding any other law, a municipality or county  
168 may not adopt or enforce an ordinance, order or regulation that:



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

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

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

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

