

SENATE, No. 2419

STATE OF NEW JERSEY
219th LEGISLATURE

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Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Concerns local government regulation of installation, maintenance and repair of perimeter fence intrusion protection systems, other alarm systems, and locksmithing services.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning perimeter fence intrusion protection systems
2 and other alarm systems, amending and supplementing
3 P.L.1962, c.162, and amending P.L.1997, c.305.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
9 as follows:

10 2. For the purpose of this act, unless otherwise indicated by the
11 context:

12 (a) "Act" means this act, P.L.1962, c.162 (C.45:5A-1 et seq.)
13 and the rules and regulations adopted under it;

14 (b) "Board" means the Board of Examiners of Electrical
15 Contractors created by section 3 of this act;

16 (c) "Department" means the Department of Law and Public
17 Safety;

18 (d) "Electrical contractor" means a person who engages in the
19 business of contracting to install, erect, repair or alter electrical
20 equipment for the generation, transmission or utilization of
21 electrical energy;

22 (e) "Person" means a person, firm, corporation or other legal
23 entity;

24 (f) "Alarm business" means the sales, installation, servicing or
25 maintenance of burglar alarm, fire alarm or electronic security
26 systems, or the monitoring or responding to alarm signals when
27 provided in conjunction therewith. "Alarm business" shall also
28 include the installation, sales, servicing or maintenance of a smoke
29 detection system or a smoke aspiration system in one or two family
30 detached residential dwellings, or both; and the type of alarm
31 business that engages in the installation, sales, servicing or
32 maintenance of (1) perimeter intrusion protection systems; (2)
33 unmanned aerial drones used to protect a premise, building, or
34 complex; and (3) any artificial intelligence and evolving technology
35 used for physical security applications consisting of a device or
36 machine, computer or software used for detection, security,
37 surveillance, monitoring of unauthorized access, providing a
38 warning of intrusion, which is designed to discourage crime or warn
39 of potential threats using unmanned aerial drones, robots or
40 machines or computer technology with minimal human
41 intervention. "Installation," as used in this definition, includes the
42 survey of a premises, the design and preparation of the
43 specifications for the equipment or system to be installed pursuant
44 to a survey, the installation of the equipment or system, or the
45 demonstration of the equipment or system after the installation is

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 completed, but does not include any survey, design or preparation
2 of specifications for equipment or for a system that is prepared by
3 an engineer licensed pursuant to the provisions of P.L.1938, c.342
4 (C.45:8-27 et seq.), or an architect licensed pursuant to the
5 provisions of chapter 3 of Title 45 of the Revised Statutes, if the
6 survey, design, or preparation of specifications is part of a design
7 for construction of a new building or premises or a renovation of an
8 existing building or premises, which renovation includes
9 components other than the installation of a burglar alarm, fire alarm
10 or electronic security system, and further does not include the
11 design or preparation of specifications for the equipment or system
12 to be installed that are within the practice of professional
13 engineering as defined in subsection (b) of section 2 of
14 P.L.1938, c.342 (C.45:8-28);

15 (g) "Burglar alarm" means a security system comprised of an
16 interconnected series of alarm devices or components, including
17 systems interconnected with radio frequency signals, or Internet
18 protocol and any successor protocols, which emits an audible,
19 visual or electronic signal indicating an alarm condition and
20 providing a warning of intrusion, which is designed to discourage
21 crime. "Burglar alarms" include but are not limited to perimeter
22 intrusion protection systems and perimeter fence intrusion
23 protection systems;

24 (h) "Business firm" means a partnership, corporation or other
25 business entity engaged in the alarm business or locksmithing
26 services;

27 (i) "Committee" means the Fire Alarm, Burglar Alarm, and
28 Locksmith Advisory Committee created by section 3 of
29 P.L.1997, c.305 (C.45:5A-23);

30 (j) "Electronic security system" means a security system
31 comprised of an interconnected series of devices or components, or
32 Internet protocol and any successor protocols, including systems
33 with audio and video signals, or perimeter intrusion protection
34 systems, or other electronic systems, which emits or transmits an
35 audible, visual or electronic signal warning of intrusion and
36 provides notification of authorized entry or exit, which is designed
37 to discourage crime. "Electronic security system" shall include
38 access control systems, CCTV systems, intercom systems,
39 automation systems capable of integrating security devices,
40 perimeter intrusion protection systems, and other electronic
41 monitoring devices;

42 (k) "Fire alarm" means a **【security】** system comprised of an
43 interconnected series of alarm devices or components, and
44 notification appliances, including systems interconnected with radio
45 frequency signals, which emits an audible, visual or electronic
46 signal indicating an alarm condition and which provides a warning
47 of the presence of gas, smoke or fire, or a notification of emergency
48 evacuation. "Fire alarm" does not mean a system whose primary

1 purpose is telecommunications with energy control, the monitoring
2 of the interior environment being an incidental feature thereto;

3 (l) "Licensed locksmith" means a person who is licensed
4 pursuant to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-
5 27);

6 (m) "Licensee" means a person licensed to engage in the alarm
7 business or provide locksmithing services pursuant to the provisions
8 of section 7 of P.L.1997, c.305 (C.45:5A-27);

9 (n) "Locksmithing services" means the modification,
10 recombination, repair or installation of mechanical locking devices
11 and electronic security systems for any type of compensation and
12 includes the following: repairing, rebuilding, recoding, servicing,
13 adjusting, installing, manipulating or bypassing of a mechanical or
14 electronic locking device, for controlled access or egress to
15 premises, vehicles, safes, vaults, safe doors, lock boxes, automatic
16 teller machines or other devices for safeguarding areas where access
17 is meant to be limited; operating a mechanical or electronic locking
18 device, safe or vault by means other than those intended by the
19 manufacturer of such locking devices, safes or vaults; or consulting
20 and providing technical advice regarding selection of hardware and
21 locking systems of mechanical or electronic locking devices and
22 electronic security systems; except that "locksmithing services"
23 shall not include the installation of a prefabricated lock set and door
24 knob into a door of a residence;

25 (o) "Qualified journeyman electrician" means a person
26 registered pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.) or
27 P.L.2001, c.21 (C.45:5A-11.1 et al.), as a qualified journeyman
28 electrician by the board;

29 (p) "Access control system" means a system that provides
30 access to authorized persons and may record and report which
31 persons entered or exited a facility or areas within a facility, which
32 doors or areas were accessed while persons are within a facility, and
33 the time that such activity occurred. "Access control systems" may
34 include the use of keys, access cards, locks, card readers, biometric
35 identification devices, recorders, printers and control devices.
36 "Access control systems" may be independent systems or may be
37 integrated with other electronic security systems or internet protocol
38 and any successor protocols;

39 (q) "Authorization" means permission, authority, or consent
40 given by a person who possesses lawful authority to grant such
41 permission, authority, or consent to another person to access,
42 obtain, take, copy or use confidential information;

43 (r) "Authorized person" means a person with authorization;

44 (s) "Confidential information" means proprietary information or
45 personal information belonging to a person who submits business
46 information, personal or confidential, business, financial
47 information that is collected by a business or company or
48 individual. "Confidential information" shall include any

1 information kept by anyone doing business as a licensed fire alarm,
2 burglar alarm or locksmith business or any other business that is
3 permitted to do the same scope of work in the State;

4 (t) “Closed circuit television” or “CCTV” means a video
5 security system that may include video cameras, Internet protocol
6 cameras, monitors, switches, camera enclosures, controls and other
7 related devices. “Closed circuit television” shall include an
8 independent system or system that is integrated with other
9 electronic security systems or Internet protocol and any successor
10 protocols;

11 (u) “Internet protocol and any successor protocol” means a
12 protocol that is capable of integrating any electronic security
13 devices in any existing and future data network protocols to carry
14 alarm signals or video transmission signals or fire alarm signals or
15 any security system now and in the future;

16 (v) “Intercom system” means an audio security communication
17 system containing control circuitry that may include a feature
18 designed to selectively release electronically secured doors or
19 capable of viewing an image at the same time;

20 (w) “Perimeter intrusion protection system” means a device,
21 machine, computer or software used for detection, security,
22 surveillance, or monitoring of unauthorized access, providing a
23 warning of intrusion, which is designed to discourage crime or warn
24 of potential threats using unmanned aerial drones, robots, machines,
25 computers, or software with minimal human intervention, and is a
26 type or component of a security system;

27 (x) “Perimeter fence intrusion protection system” means a
28 perimeter intrusion protection system that satisfies the requirements
29 established pursuant to section 2 of P.L. , c. (C.) (pending
30 before the Legislature as this bill), and all attached system
31 components or equipment, including but not limited to a fence, an
32 energizer powered by a commercial storage battery not exceeding
33 12 volts dc, which produces a short electric pulsed charge upon
34 contact with the fence, and battery charging device used exclusively
35 to charge the battery, or utilization of micro wave energy or radio
36 frequencies for perimeter intrusion protection, and any successor
37 technologies used for perimeter intrusion protection, and is a type
38 or component of a security system;

39 (y) “Smoke aspiration system” means a smoke detection system
40 that takes samples of the air and tests them for presence of smoke;

41 (z) “Smoke detection system” means an electronic system
42 consisting of a control unit, which may be a component of a
43 combination fire and burglar control panel, or one or more smoke
44 aspiration systems, smoke detectors, heat detectors, gas detectors, if
45 required, audible appliances, and battery back-up, as utilized in one
46 or two family detached residential dwellings, or both.

47 (cf: P.L.2001, c.21, s.2)

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- 1 2. (New section) A perimeter fence intrusion protection
2 system shall:
- 3 a. interface with a monitored alarm device in a manner that
4 enables the burglar alarm system to transmit a signal intended to
5 summon the business or law enforcement, or both, in response to an
6 intrusion or burglary;
- 7 b. be located on property that is not designated by a
8 municipality exclusively for residential use;
- 9 c. have an energizer that is driven by a commercial storage
10 battery that is not more than 12 volts of direct current;
- 11 d. have an energizer that meets the standards set forth by the
12 International Electrotechnical Commission Standard 60335-2-76, in
13 its current edition, and as amended and supplemented;
- 14 e. be surrounded by a nonelectric perimeter fence or wall that
15 is not less than five feet in height;
- 16 f. not exceed ten feet in height or two feet higher than the
17 nonelectric perimeter fence or wall described in subsection e. of this
18 section, whichever is higher;
- 19 g. be marked with conspicuous warning signs that are located
20 on the perimeter fence intrusion protection system at not more than
21 40 foot intervals and that read: “WARNING—ELECTRIC
22 FENCE”;
- 23 h. comply with the requirements set forth in the rules and
24 regulations adopted by the board; and
- 25 i. be installed by a person trained by the manufacturer or
26 certified in the installation, maintenance, repair, safety and
27 operation of the perimeter fence intrusion protection system.
28
- 29 3. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
30 read as follows:
- 31 16 **[No]** a. Notwithstanding any provision of the “Municipal
32 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), or any other
33 law to the contrary, no municipality or county shall [enact] adopt
34 an ordinance or resolution or promulgate any rules or regulations
35 relating to a licensed locksmith or alarm business that:
- 36 (1) requires the licensing or registration of locksmiths or alarm
37 businesses;
- 38 (2) requires a locksmith or an alarm business to submit
39 information about the business’ systems;
- 40 (3) requires a locksmith or an alarm business to pay an alarm
41 registration or licensure fee to a third party person or business;
- 42 (4) requires a permit or fee for the installation of a perimeter
43 fence intrusion protection system in addition to an alarm system
44 permit issued by the municipality or county;
- 45 (5) imposes an installation or operational requirement for a
46 perimeter fence intrusion protection system that is inconsistent with
47 the requirements and standards of the act;

1 (6) impedes the installation or continued operation of a
2 perimeter fence intrusion protection system; or

3 (7) prohibits the installation or use of a perimeter fence
4 intrusion protection system.

5 b. The provisions of any ordinance or resolution or rules or
6 regulations of any municipality or county relating to the licensing or
7 registration of locksmiths or alarm businesses are superseded by the
8 provisions of this act. Municipal and county officials and
9 employees shall comply with the provisions of the act. Nothing in
10 this section shall be construed, however, to prohibit municipal
11 regulation of door-to-door vendors or salespersons of burglar alarm,
12 fire alarm or electronic security systems nor shall anything in this
13 section be construed to prohibit or restrict municipal consideration
14 of alarm business service proposals in consent proceedings under
15 the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.).
16 (cf: P.L.1997, c.305, s.16)

17
18 4. (New section) A licensee shall ensure the confidentiality of
19 information obtained from a client and shall not disclose, release to
20 any third-party entities, or distribute information relating to the
21 provision of burglar alarm, fire alarm or locksmithing services to
22 the client without the consent of the client, unless compelled to
23 disclose such information to a law enforcement agency by court
24 order.

25 a. Any person who is the custodian of confidential information
26 shall exercise due diligence on an ongoing basis to protect the
27 security of the confidential information including, but not limited
28 to, maintaining current technology to prevent unauthorized access
29 to computers, computer systems, software and computer networks;
30 maintaining adequate safeguards to ensure that confidential
31 information is only distributed to authorized individuals; and
32 conducting employee training in information security measures.

33 b. A person having custody of confidential information shall
34 notify a person if the person's confidential information has been
35 accessed by an unauthorized person or if there has been a breach of
36 the custodian's security measures which may have compromised the
37 security of the person's confidential information.

38 c. Personal or business information shall not be accessed by,
39 sold to, or used by any third party without the written authorization
40 of that person or business.

41 d. A licensee who fails to comply with the requirements of
42 subsection a. of this section shall be deemed to be engaged in
43 professional misconduct, and is subject to disciplinary action and
44 civil penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73
45 (C.45:1-21, 45:1-22 and 45:1-25).

46
47 5. This act shall take effect immediately.

STATEMENT

This bill would regulate the installation, maintenance and repair of perimeter fence intrusion protection systems, and other alarm systems governed by "The Electrical Contractors Licensing Act of 1962." The bill would also establish confidentiality standards for alarm service practitioners and licensed locksmiths.

The bill would restrict local government regulation of the installation and maintenance of a perimeter fence intrusion protection system, as long as the system meets the definition of the system established by the bill and several additional requirements. In order to benefit from the restrictions on local government oversight established by the bill, the perimeter fence intrusion protection system would be required to:

- (1) interface with a monitored alarm device in a manner that enables the burglar alarm system to transmit a signal intended to summon the business or law enforcement;
- (2) be located on property that is not designated exclusively for residential use;
- (3) have an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;
- (4) have an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, current edition;
- (5) be surrounded by a nonelectric perimeter fence or wall of at least five feet in height;
- (6) not exceed ten feet in height or two feet higher than the adjacent nonelectric perimeter fence or wall, whichever is higher;
- (7) be marked with conspicuous warning signs that are located on the Perimeter Fence Intrusion Protection System at not more than 40 foot intervals and that read: "WARNING—ELECTRIC FENCE";
- (8) comply with the requirements set forth in the rules and regulations adopted by the Board of Examiners of Electrical Contractors; and
- (9) be installed by a person trained by the manufacturer or holding a training certification on the installation, maintenance, repair, safety and operation of the perimeter fence intrusion protection system to be installed.

As long as these perimeter fence intrusion protection system requirements are met, the bill would prohibit municipal or county government from imposing the following requirements on a business installing the systems:

- (1) requiring the licensing or registration the business;
- (2) requiring the business to submit information about the business' systems;

- 1 (3) requiring the business to pay a third party person or business
2 an alarm registration or licensure fee;
- 3 (4) requiring a permit or fee for the installation of a perimeter
4 fence intrusion protection system in addition to an alarm
5 system permit issued by the municipality or county;
- 6 (5) imposing an installation or operational requirement for a
7 perimeter fence intrusion protection system that is
8 inconsistent with the requirements and standards of the "The
9 Electrical Contractors Licensing Act of 1962,"
10 P.L.1962, c.162 (C.45:5A-1 et seq.), as supplemented and
11 amended by subsequent legislation, and this bill;
- 12 (6) impeding the installation or continued operation of a
13 perimeter fence intrusion protection system; or
- 14 (7) prohibiting the system's installation or use.

15 Finally, the bill establishes confidentiality standards for licensees
16 governed by "The Electrical Contractors Licensing Act of 1962,"
17 including professionals engaged in the installation and maintenance
18 of perimeter fence intrusion protection systems, licensed
19 locksmiths, and alarm businesses. Specifically, the bill requires
20 licensees governed by the act to refrain from disclosing, releasing to
21 any third-party entities, or distributing information relating to the
22 provision of burglar alarm, fire alarm or locksmithing services of
23 the client without their consent, unless compelled by a court order.

24 The bill requires any person who is the custodian of confidential
25 information to exercise due diligence on an ongoing basis to protect
26 the security of the confidential information including, but not
27 limited to, maintaining current technology to prevent unauthorized
28 access to computers, computer systems, software and computer
29 networks; maintaining adequate safeguards to ensure that
30 confidential information is only distributed to authorized
31 individuals; and conducting employee training in information
32 security measures.

33 If a person's confidential information is accessed by an
34 unauthorized person or if a breach of the custodian's security
35 measures occurs which may have compromised the security of the
36 person's confidential information, the bill requires notification to
37 the person. The bill prohibits information from being accessed by,
38 used or sold to, or used by any third party person or business or
39 government agency without that person's or business's written
40 authorization. The bill directs that a licensee who fails to comply
41 with the requirements of the bill regarding the maintenance of
42 confidential information would be deemed to have engaged in
43 professional misconduct, and would be subject to disciplinary
44 action and civil penalties pursuant to sections 8, 9 and 12 of
45 P.L.1978, c.73 (C.45:1-21, 45:1-22 and 45:1-25).