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SENATE, No. 2419

STATE OF NEW JERSEY
219th LEGISLATURE

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Sponsored by:

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District 22 (Middlesex, Somerset and Union)

Assemblyman JAMES J. KENNEDY

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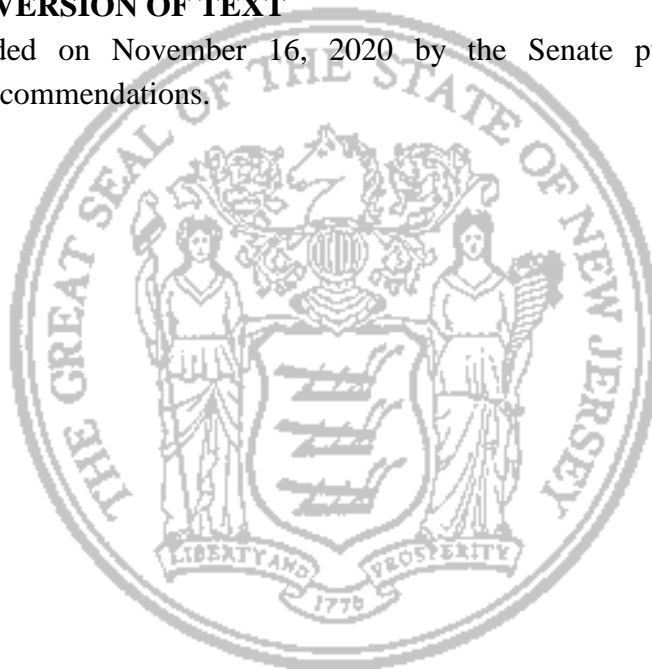
Assemblyman Giblin and Senator Pou

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 amended on November 16, 2020 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 1/11/2021)

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, ²or² 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 ²[or computer technology with minimal human
41 intervention]². "Installation," as used in this definition, includes
42 the survey of a premises, the design and preparation of the
43 specifications for the equipment or system to be installed pursuant

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 29, 2020.

²Assembly ASL committee amendments adopted August 13, 2020.

³Senate amendments adopted in accordance with Governor's recommendations November 16, 2020.

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

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

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

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

32 (j) "Electronic security system" means a security system
33 comprised of an interconnected series of devices or components, or
34 Internet protocol and any successor protocols, including systems
35 with audio and video signals, or perimeter intrusion protection
36 systems, or other electronic systems, which emits or transmits an
37 audible, visual or electronic signal warning of intrusion and
38 provides notification of authorized entry or exit, which is designed
39 to discourage crime. "Electronic security system" shall include
40 access control systems, CCTV systems, intercom systems,
41 automation systems ²【capable of】 when ²integrating ²with ²security
42 devices, perimeter intrusion protection systems, and other electronic
43 monitoring devices;

44 (k) "Fire alarm" means a **【security】** system comprised of an
45 interconnected series of alarm devices or components, and
46 notification appliances, including systems interconnected with radio
47 frequency signals, which emits an audible, visual or electronic
48 signal indicating an alarm condition and which provides a warning

1 of the presence of gas, smoke or fire, or a notification of emergency
2 evacuation. "Fire alarm" does not mean a system whose primary
3 purpose is telecommunications with energy control, the monitoring
4 of the interior environment being an incidental feature thereto;

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

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

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

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

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

41 (q) ³"Authorization" means permission, authority, or consent
42 given by a person who possesses lawful authority to grant such
43 permission, authority, or consent to another person to access,
44 obtain, take, copy or use confidential information;

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

46 (s) "Confidential information" means proprietary information or
47 personal information belonging to a person who submits business
48 information, personal or confidential, business, financial

1 information that is collected by a business or company or
2 individual. “Confidential information ” shall include any
3 information kept by anyone doing business as a licensed fire alarm,
4 burglar alarm or locksmith business or any other business that is
5 permitted to do the same scope of work in the State;

6 ³**[(t)]** “(Closed circuit television” or “CCTV” means a video
7 security system that may include video cameras, Internet protocol
8 cameras, monitors, switches, camera enclosures, controls and other
9 related devices. “Closed circuit television” shall include an
10 independent system or system that is integrated with other
11 electronic security systems or Internet protocol and any successor
12 protocols;

13 ³**[(u)]** ³**[(r)]** “Internet protocol and any successor protocol” means
14 a protocol that ²**[(is capable of integrating)]** integrates with² any
15 electronic security devices in any existing and future data network
16 protocols to carry alarm signals or video transmission signals or fire
17 alarm signals or any security system now and in the future;

18 ³**[(v)]** ³**[(s)]** “Intercom system” means an audio security
19 communication system containing control circuitry that may include
20 a feature designed to selectively release electronically secured doors
21 or capable of viewing an image at the same time;

22 ³**[(w)]** ³**[(t)]** “Perimeter intrusion protection system” means a
23 device, machine, computer or software used for detection, security,
24 surveillance, or monitoring of unauthorized access, providing a
25 warning of intrusion, which is designed to discourage crime or warn
26 of potential threats using unmanned aerial drones, robots, machines,
27 computers, or software with minimal human intervention, and is a
28 type or component of a security system;

29 ³**[(x)]** ³**[(u)]** “Perimeter fence intrusion protection system” means
30 a perimeter intrusion protection system that satisfies the
31 requirements established pursuant to section 2 of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 and all attached system components or equipment, including but not
34 limited to a fence, an energizer powered by a commercial storage
35 battery not exceeding 12 volts dc, which produces a short electric
36 pulsed charge upon contact with the fence, and battery charging
37 device used exclusively to charge the battery, or utilization of micro
38 wave energy or radio frequencies for perimeter intrusion protection,
39 and any successor technologies used for perimeter intrusion
40 protection, and is a type or component of a security system;

41 ³**[(y)]** ³**[(v)]** “Smoke aspiration system” means a smoke detection
42 system that takes samples of the air and tests them for presence of
43 smoke;

44 ³**[(z)]** ³**[(w)]** “Smoke detection system” means an electronic
45 system consisting of a control unit, which may be a component of a
46 combination fire and burglar control panel, or one or more smoke
47 aspiration systems, smoke detectors, heat detectors, gas detectors, if

1 required, audible appliances, and battery back-up, as utilized in one
2 or two family detached residential dwellings, or both.

3 ³**[²(aa)]** (x)³ “Branch circuit wiring” means the circuit
4 conductors between the final overcurrent device protecting the
5 circuit and the outlet or outlets.²

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

7

8 2. (New section) A perimeter fence intrusion protection
9 system shall:

10 a. interface with a monitored alarm device in a manner that
11 enables the burglar alarm system to transmit a signal intended to
12 summon the business or law enforcement, or both, in response to an
13 intrusion or burglary;

14 b. be located on property that is not designated by a
15 municipality exclusively for residential use;

16 c. have an energizer that is driven by a commercial storage
17 battery that is not more than 12 volts of direct current;

18 d. have an energizer that meets the standards set forth by the
19 International Electrotechnical Commission Standard 60335-2-76, in
20 its current edition, and as amended and supplemented;

21 e. be surrounded by a nonelectric perimeter fence or wall that
22 is not less than five feet in height;

23 f. not exceed ten feet in height or two feet higher than the
24 nonelectric perimeter fence or wall described in subsection e. of this
25 section, whichever is higher;

26 g. be marked with conspicuous warning signs that are located
27 on the perimeter fence intrusion protection system at not more than
28 40 foot intervals and that read: “WARNING—ELECTRIC
29 FENCE”;

30 h. comply with the requirements set forth in the rules and
31 regulations adopted by the board; and

32 i. be installed by a person trained by the manufacturer or
33 certified in the installation, maintenance, repair, safety and
34 operation of the perimeter fence intrusion protection system.

35

36 3. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
37 read as follows:

38 16. **[No]** a. Notwithstanding any provision of the “Municipal
39 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), or any other
40 law to the contrary, no municipality or county shall **[enact]** adopt
41 an ordinance or resolution or promulgate any rules or regulations
42 relating to a licensed locksmith or alarm business that:

43 (1) requires the licensing or registration of locksmiths or alarm
44 businesses;

45 (2) requires a locksmith or an alarm business to submit
46 information about the business’ systems;

47 (3) requires a locksmith or an alarm business to pay an alarm
48 registration or licensure fee to a third party person or business;

1 (4) requires a permit or fee for the installation of a perimeter
2 fence intrusion protection system in addition to an alarm system
3 permit issued by the municipality or county;

4 (5) imposes an installation or operational requirement for a
5 perimeter fence intrusion protection system that is inconsistent with
6 the requirements and standards of the act;

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

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

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

22 (cf: P.L.1997, c.305, s.16)

23

24 ³[4. (New section) A licensee shall ensure the confidentiality
25 of information obtained from a client and shall not disclose, release
26 to any third-party entities, or distribute information relating to the
27 provision of burglar alarm, fire alarm or locksmithing services to
28 the client without the consent of the client, unless compelled to
29 disclose such information to a law enforcement agency by court
30 order.

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

39 b. A person having custody of confidential information shall
40 notify a person if the person's confidential information has been
41 accessed by an unauthorized person or if there has been a breach of
42 the custodian's security measures which may have compromised the
43 security of the person's confidential information.

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

47 d. A licensee who fails to comply with the requirements of
48 subsection a. of this section shall be deemed to be engaged in

1 professional misconduct, and is subject to disciplinary action and
2 civil penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73
3 (C.45:1-21, 45:1-22 and 45:1-25).¹³

4
5 ²[¹5. (New section) P.L. , c. (C.) (pending before the
6 Legislature as this bill), shall not be construed to authorize anyone
7 other than a licensed electrical contractor holding a valid business
8 permit pursuant to section 9 of P.L.1962, c.162 (C.45:5A-9), to
9 install, sell, service, or maintain any wiring that exceeds 30
10 volts.¹²

11
12 ³[²5.] 4.³ (New section) Only a licensed electrical contractor
13 holding a valid business permit pursuant to section 9 of P.L.1962,
14 c.162 (C.45:5A-9), shall install, service, maintain, or repair branch
15 circuit wiring. No provision of this section shall preclude a burglar
16 alarm, fire alarm, or locksmith licensee from connecting to, or
17 dismantling from, a branch circuit that was previously installed by
18 an electrical contractor licensed by the Board of Examiners of
19 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et
20 seq.).²

21
22 ¹[5.] ³[6.] ^{5.}³ This act shall take effect immediately.