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 amended by the Senate on June 29, 2020.
AN ACT concerning perimeter fence intrusion protection systems
and other alarm systems, amending and supplementing

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
as follows:
2. For the purpose of this act, unless otherwise indicated by the
context:
   (a) "Act" means this act, P.L.1962, c.162 (C.45:5A-1 et seq.)
   and the rules and regulations adopted under it;
   (b) "Board" means the Board of Examiners of Electrical
      Contractors created by section 3 of this act;
   (c) "Department" means the Department of Law and Public
      Safety;
   (d) "Electrical contractor" means a person who engages in the
      business of contracting to install, erect, repair or alter electrical
      equipment for the generation, transmission or utilization of
      electrical energy;
   (e) "Person" means a person, firm, corporation or other legal
      entity;
   (f) "Alarm business" means the sales, installation, servicing or
      maintenance of burglar alarm, fire alarm or electronic security
      systems, or the monitoring or responding to alarm signals when
      provided in conjunction therewith. “Alarm business” shall also
      include the installation, sales, servicing or maintenance of a smoke
      detection system or a smoke aspiration system in one or two family
      detached residential dwellings, or both; and the type of alarm
      business that engages in the installation, sales, servicing or
      maintenance of (1) perimeter intrusion protection systems; (2)
      unmanned aerial drones used to protect a premise, building, or
      complex; and (3) any artificial intelligence and evolving technology
      used for physical security applications consisting of a device or
      machine, computer or software used for detection, security,
      surveillance, monitoring of unauthorized access, providing a
      warning of intrusion, which is designed to discourage crime or warn
      of potential threats using unmanned aerial drones, robots or
      machines or computer technology with minimal human
      intervention. "Installation," as used in this definition, includes the
      survey of a premises, the design and preparation of the
      specifications for the equipment or system to be installed pursuant
      to a survey, the installation of the equipment or system, or the
      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.
Matter enclosed in superscript numerals has been adopted as follows:

Senate floor amendments adopted June 29, 2020.
completed, but does not include any survey, design or preparation
of specifications for equipment or for a system that is prepared by
an engineer licensed pursuant to the provisions of P.L.1938, c.342
(C.45:8-27 et seq.), or an architect licensed pursuant to the
provisions of chapter 3 of Title 45 of the Revised Statutes, if the
survey, design, or preparation of specifications is part of a design
for construction of a new building or premises or a renovation of an
existing building or premises, which renovation includes
components other than the installation of a burglar alarm, fire alarm
or electronic security system, and further does not include the
design or preparation of specifications for the equipment or system
to be installed that are within the practice of professional
engineering as defined in subsection (b) of section 2 of
P.L.1938, c.342 (C.45:8-28);

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

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

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

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

(k) "Fire alarm" means a [security] system comprised of an
interconnected series of alarm devices or components, and
notification appliances, including systems interconnected with radio
frequency signals, which emits an audible, visual or electronic
signal indicating an alarm condition and which provides a warning
of the presence of gas, smoke or fire, or a notification of emergency
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
information kept by anyone doing business as a licensed fire alarm,
burglar alarm or locksmith business or any other business that is
permitted to do the same scope of work in the State;
(t) “Closed circuit television” or “CCTV” means a video
security system that may include video cameras, Internet protocol
cameras, monitors, switches, camera enclosures, controls and other
related devices. “Closed circuit television” shall include an
independent system or system that is integrated with other
electronic security systems or Internet protocol and any successor
protocols;
(u) “Internet protocol and any successor protocol” means a
protocol that is capable of integrating any electronic security
devices in any existing and future data network protocols to carry
alarm signals or video transmission signals or fire alarm signals or
any security system now and in the future;
(v) “Intercom system” means an audio security communication
system containing control circuitry that may include a feature
designed to selectively release electronically secured doors or
capable of viewing an image at the same time;
(w) “Perimeter intrusion protection system” means a device,
machine, computer or software used for detection, security,
surveillance, or monitoring of unauthorized access, providing a
warning of intrusion, which is designed to discourage crime or warn
of potential threats using unmanned aerial drones, robots, machines,
computers, or software with minimal human intervention, and is a
type or component of a security system;
(x) “Perimeter fence intrusion protection system” means a
perimeter intrusion protection system that satisfies the requirements
established pursuant to section 2 of P.L. , c. (C. ) (pending
before the Legislature as this bill), and all attached system
components or equipment, including but not limited to a fence, an
energizer powered by a commercial storage battery not exceeding
12 volts dc, which produces a short electric pulsed charge upon
contact with the fence, and battery charging device used exclusively
to charge the battery, or utilization of micro wave energy or radio
frequencies for perimeter intrusion protection, and any successor
technologies used for perimeter intrusion protection, and is a type
or component of a security system;
(y) “Smoke aspiration system” means a smoke detection system
that takes samples of the air and tests them for presence of smoke;
(z) “Smoke detection system” means an electronic system
consisting of a control unit, which may be a component of a
combination fire and burglary control panel, or one or more smoke
aspiration systems, smoke detectors, heat detectors, gas detectors, if
required, audible appliances, and battery back-up, as utilized in one
or two family detached residential dwellings, or both.
(cf: P.L.2001, c.21, s.2)
2. (New section) A perimeter fence intrusion protection system shall:
   a. 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, or both, in response to an intrusion or burglary;
   b. be located on property that is not designated by a municipality exclusively for residential use;
   c. have an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;
   d. have an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, in its current edition, and as amended and supplemented;
   e. be surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;
   f. not exceed ten feet in height or two feet higher than the nonelectric perimeter fence or wall described in subsection e. of this section, whichever is higher;
   g. 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”;
   h. comply with the requirements set forth in the rules and regulations adopted by the board; and
   i. be installed by a person trained by the manufacturer or certified in the installation, maintenance, repair, safety and operation of the perimeter fence intrusion protection system.

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

16. [No] a. Notwithstanding any provision of the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), or any other law to the contrary, no municipality or county shall [enact] adopt an ordinance or resolution or promulgate any rules or regulations relating to a licensed locksmith or alarm business that:
   (1) requires the licensing or registration of locksmiths or alarm businesses;
   (2) requires a locksmith or an alarm business to submit information about the business’ systems;
   (3) requires a locksmith or an alarm business to pay an alarm registration or licensure fee to a third party person or business;
   (4) requires a permit or fee for the installation of a perimeter fence intrusion protection system in addition to an alarm system permit issued by the municipality or county;
   (5) imposes an installation or operational requirement for a perimeter fence intrusion protection system that is inconsistent with the requirements and standards of the act;
(6) impedes the installation or continued operation of a perimeter fence intrusion protection system; or

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

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

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

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

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

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

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

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

15. (New section) P.L. , c. (C. ) (pending before the Legislature as this bill), shall not be construed to authorize anyone
other than a licensed electrical contractor holding a valid business permit pursuant to section 9 of P.L.1962, c.162 (C.45:5A-9), to install, sell, service, or maintain any wiring that exceeds 30 volts.¹

¹[5. 6.] This act shall take effect immediately.