

BILL ANALYSIS

Senate Research Center
86R12014 JCG-F

H.B. 3371
By: Darby (Taylor)
Business & Commerce
5/14/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3371 amends current law relating to the regulation of certain battery-charged fences by municipalities and counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 250, Local Government Code, by adding Section 250.009, as follows:

Sec. 250.009. BATTERY-CHARGED FENCES. (a) Defines "alarm system."

(b) Provides that this section applies only to a battery-charged fence that:

- (1) interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;
- (2) is located on property that is not designated by a municipality or county for residential use;
- (3) has an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;
- (4) produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission as published in the commission's standards on June 29, 2018;
- (5) is completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;
- (6) is not more than the higher of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall; and
- (7) is marked with conspicuous warning signs that are located on the battery-charged fence at not less than 60-foot intervals and that read: "WARNING--ELECTRIC FENCE."

(c) Prohibits a municipality or county, notwithstanding any other law, from adopting or enforcing an ordinance, order, or regulation that:

(1) requires a permit for the installation or use of a battery-charged fence to which this section applies that is in addition to an alarm system permit issued by the municipality or county;

(2) imposes installation or operational requirements for the battery-charged fence that are inconsistent with the standards described by Subsection (b); or

(3) prohibits the installation or use of a battery-charged fence.

SECTION 2. Effective date: September 1, 2019.