

P.L. 2021, CHAPTER 2, *approved January 21, 2021*
Senate, No 2419 (*Third Reprint*)

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

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 warning of intrusion, which is designed to discourage crime or warn
2 of potential threats using unmanned aerial drones, robots or
3 machines ²[or computer technology with minimal human
4 intervention]². "Installation," as used in this definition, includes
5 the survey of a premises, the design and preparation of the
6 specifications for the equipment or system to be installed pursuant
7 to a survey, the installation of the equipment or system, or the
8 demonstration of the equipment or system after the installation is
9 completed, but does not include any survey, design or preparation
10 of specifications for equipment or for a system that is prepared by
11 an engineer licensed pursuant to the provisions of P.L.1938, c.342
12 (C.45:8-27 et seq.), or an architect licensed pursuant to the
13 provisions of chapter 3 of Title 45 of the Revised Statutes, if the
14 survey, design, or preparation of specifications is part of a design
15 for construction of a new building or premises or a renovation of an
16 existing building or premises, which renovation includes
17 components other than the installation of a burglar alarm, fire alarm
18 or electronic security system, and further does not include the
19 design or preparation of specifications for the equipment or system
20 to be installed that are within the practice of professional
21 engineering as defined in subsection (b) of section 2 of
22 P.L.1938, c.342 (C.45:8-28);

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

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

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

38 (j) "Electronic security system" means a security system
39 comprised of an interconnected series of devices or components, or
40 Internet protocol and any successor protocols, including systems
41 with audio and video signals, or perimeter intrusion protection
42 systems, or other electronic systems, which emits or transmits an
43 audible, visual or electronic signal warning of intrusion and
44 provides notification of authorized entry or exit, which is designed
45 to discourage crime. "Electronic security system" shall include
46 access control systems, CCTV systems, intercom systems,
47 automation systems ²[capable of] when² integrating ²with² security

1 devices, perimeter intrusion protection systems, and other electronic
2 monitoring devices;

3 (k) "Fire alarm" means a **【security】** system comprised of an
4 interconnected series of alarm devices or components, and
5 notification appliances, including systems interconnected with radio
6 frequency signals, which emits an audible, visual or electronic
7 signal indicating an alarm condition and which provides a warning
8 of the presence of gas, smoke or fire, or a notification of emergency
9 evacuation. "Fire alarm" does not mean a system whose primary
10 purpose is telecommunications with energy control, the monitoring
11 of the interior environment being an incidental feature thereto;

12 (l) "Licensed locksmith" means a person who is licensed
13 pursuant to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-
14 27);

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

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

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

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

1 (q) ³“Authorization” means permission, authority, or consent
2 given by a person who possesses lawful authority to grant such
3 permission, authority, or consent to another person to access,
4 obtain, take, copy or use confidential information;

5 (r) “Authorized person” means a person with authorization;

6 (s) “Confidential information” means proprietary information or
7 personal information belonging to a person who submits business
8 information, personal or confidential, business, financial
9 information that is collected by a business or company or
10 individual. “Confidential information ” shall include any
11 information kept by anyone doing business as a licensed fire alarm,
12 burglar alarm or locksmith business or any other business that is
13 permitted to do the same scope of work in the State;

14 (t) ³“Closed circuit television” or “CCTV” means a video
15 security system that may include video cameras, Internet protocol
16 cameras, monitors, switches, camera enclosures, controls and other
17 related devices. “Closed circuit television” shall include an
18 independent system or system that is integrated with other
19 electronic security systems or Internet protocol and any successor
20 protocols;

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

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

30 ³[(w)] (t) ³“Perimeter intrusion protection system” means a
31 device, machine, computer or software used for detection, security,
32 surveillance, or monitoring of unauthorized access, providing a
33 warning of intrusion, which is designed to discourage crime or warn
34 of potential threats using unmanned aerial drones, robots, machines,
35 computers, or software with minimal human intervention, and is a
36 type or component of a security system;

37 ³[(x)] (u) ³“Perimeter fence intrusion protection system” means
38 a perimeter intrusion protection system that satisfies the
39 requirements established pursuant to section 2 of
40 P.L. , c. (C.) (pending before the Legislature as this bill),
41 and all attached system components or equipment, including but not
42 limited to a fence, an energizer powered by a commercial storage
43 battery not exceeding 12 volts dc, which produces a short electric
44 pulsed charge upon contact with the fence, and battery charging
45 device used exclusively to charge the battery, or utilization of micro
46 wave energy or radio frequencies for perimeter intrusion protection,

1 and any successor technologies used for perimeter intrusion
2 protection, and is a type or component of a security system;

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

6 ³**[(z)] (w)**³ “Smoke detection system” means an electronic
7 system consisting of a control unit, which may be a component of a
8 combination fire and burglar control panel, or one or more smoke
9 aspiration systems, smoke detectors, heat detectors, gas detectors, if
10 required, audible appliances, and battery back-up, as utilized in one
11 or two family detached residential dwellings, or both.

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

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

16
17 2. (New section) A perimeter fence intrusion protection
18 system shall:

19 a. interface with a monitored alarm device in a manner that
20 enables the burglar alarm system to transmit a signal intended to
21 summon the business or law enforcement, or both, in response to an
22 intrusion or burglary;

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

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

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

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

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

35 g. be marked with conspicuous warning signs that are located
36 on the perimeter fence intrusion protection system at not more than
37 40 foot intervals and that read: “WARNING—ELECTRIC
38 FENCE”;

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

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

44
45 3. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
46 read as follows:

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

6 (1) requires the licensing or registration of locksmiths or alarm
7 businesses;

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

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

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

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

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

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

22 b. The provisions of any ordinance or resolution or rules or
23 regulations of any municipality or county relating to the licensing or
24 registration of locksmiths or alarm businesses are superseded by the
25 provisions of this act. Municipal and county officials and
26 employees shall comply with the provisions of the act. Nothing in
27 this section shall be construed, however, to prohibit municipal
28 regulation of door-to-door vendors or salespersons of burglar alarm,
29 fire alarm or electronic security systems nor shall anything in this
30 section be construed to prohibit or restrict municipal consideration
31 of alarm business service proposals in consent proceedings under
32 the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.).
33 (cf: P.L.1997, c.305, s.16)
34

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

42 a. Any person who is the custodian of confidential information
43 shall exercise due diligence on an ongoing basis to protect the
44 security of the confidential information including, but not limited
45 to, maintaining current technology to prevent unauthorized access
46 to computers, computer systems, software and computer networks;
47 maintaining adequate safeguards to ensure that confidential

1 information is only distributed to authorized individuals; and
 2 conducting employee training in information security measures.

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

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

11 d. A licensee who fails to comply with the requirements of
 12 subsection a. of this section shall be deemed to be engaged in
 13 professional misconduct, and is subject to disciplinary action and
 14 civil penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73
 15 (C.45:1-21, 45:1-22 and 45:1-25).³

16
 17 ²[15. (New section) P.L. , c. (C.) (pending before the
 18 Legislature as this bill), shall not be construed to authorize anyone
 19 other than a licensed electrical contractor holding a valid business
 20 permit pursuant to section 9 of P.L.1962, c.162 (C.45:5A-9), to
 21 install, sell, service, or maintain any wiring that exceeds 30
 22 volts.¹²

23
 24 ³[25.] 4.³ (New section) Only a licensed electrical contractor
 25 holding a valid business permit pursuant to section 9 of P.L.1962,
 26 c.162 (C.45:5A-9), shall install, service, maintain, or repair branch
 27 circuit wiring. No provision of this section shall preclude a burglar
 28 alarm, fire alarm, or locksmith licensee from connecting to, or
 29 dismantling from, a branch circuit that was previously installed by
 30 an electrical contractor licensed by the Board of Examiners of
 31 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et
 32 seq.).²

33
 34 ¹[5.] ³[6.] ¹5.³ This act shall take effect immediately.

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 38
 39 Concerns local government regulation of installation,
 40 maintenance and repair of perimeter fence intrusion protection
 41 systems, other alarm systems, and locksmithing services.