

By: Darby

H.B. No. 3371

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain battery-charged fences by municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. BATTERY-CHARGED FENCES. (a) In this section, "alarm system" means an alarm system for which a permit may be issued under Subchapter F or F-1, Chapter 214, or Subchapter D, Chapter 233.

(b) 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;

1 (5) is completely surrounded by a nonelectric
2 perimeter fence or wall that is not less than five feet in height;

3 (6) is not more than the higher of:

4 (A) 10 feet in height; or

5 (B) two feet higher than the height of the
6 nonelectric perimeter fence or wall; and

7 (7) is marked with conspicuous warning signs that are
8 located on the battery-charged fence at not less than 60-foot
9 intervals and that read: "WARNING--ELECTRIC FENCE."

10 (c) Notwithstanding any other law, a municipality or county
11 may not adopt or enforce an ordinance, order, or regulation that:

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

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

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

21 SECTION 2. This Act takes effect September 1, 2019.