

Legislative Analysis



LOW-VOLTAGE ELECTRIC FENCES

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House Bill 5602 as referred to second committee
Sponsor: Rep. Rodney Wakeman
1st Committee: Communications and Technology
2nd Committee: Ways and Means
Complete to 6-7-20

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5602 would amend the Single State Construction Code Act to revise provisions concerning the installation of low-voltage electric security fences on commercial property. Notably, the bill would prescribe certain height requirements for the fences and revise a provision requiring that an electric fence be completely enclosed by a nonelectric fence or wall to specify instead that it be laterally enclosed.

FISCAL IMPACT: House Bill 5602 would not have a fiscal impact on any unit of state or local government.

THE APPARENT PROBLEM:

2018 PAs 331 and 332 amended the Skilled Trades Regulation Act and the Single State Construction Code Act, respectively, to exempt the installation of low-voltage electric security fences on commercial property from permit requirements under certain circumstances.¹ According to committee testimony, questions regarding the requirements for, and characteristics of, those fences have arisen since passage of those acts. Legislation has been proposed to amend the Single State Construction Code Act to resolve some of those definitional ambiguities.

THE CONTENT OF THE BILL:

House Bill 5602 would amend the Single State Construction Code Act to revise provisions concerning the installation of low-voltage electric security fences on commercial property.

Currently, notwithstanding any other provision of the act or code, a permit is not required under the act or code for the installation, maintenance, replacement, or servicing of any electrical wiring, equipment, or devices related to or associated with a business monitoring system, with a home monitoring system, or with a **low-voltage electric fence** if performed by a system provider registered under the Security Alarm Systems Act or a security alarm system contractor licensed under the Private Security Business and Security Alarm Act.

Low-voltage electric fence means an alarm system that consists of a fence structure and an energizer that produces an electric charge on contact with the fence structure and that meets all of the following:

- The low-voltage electric fence is installed in a location that is zoned for nonresidential use.

¹ More information can be found here, <http://legislature.mi.gov/doc.aspx?2018-SB-0758>.

- The energizer is powered by a commercial storage battery that does not exceed 12 volts.
- The electric charge produced by the low-voltage electric fence upon contact does not exceed energizer characteristics set forth in paragraph 22.108 and depicted in figure 102 of International Electrotechnical Commission Standard, IEC 60335-2-76, current edition.
- The low-voltage electric fence is identified using warning signs attached to the fence at intervals of not more than 60 feet. Each sign must include the international symbol for shock and be in both English and Spanish.
- The low-voltage electric fence is designed so that access to or within a fenced area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes. A fire code official may require a key box to be installed in an accessible location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain access as required by the fire code official.
- The low-voltage electric fence is completely enclosed by a nonelectric fence or wall.

Low-voltage electric fences

The bill would amend the above definition of low-voltage electric fence to require that the fence structure be laterally enclosed by a nonelectric fence or wall that is at least five feet tall. The electric fence structure itself would have to be either two feet taller than that enclosing fence or wall or 10 feet tall, whichever is taller.

The bill would delete the current requirement regarding access for life-saving or firefighter purposes and instead require that a key switch for the fence be installed at the property's main entry point, to provide secure access to the fence's electrical power disconnect switch, only if applicable and if required and approved by a fire code official.

The bill would also revise the citation of the International Electrotechnical Commission's standard so that it is both broader (not tied to a specific paragraph) and more specific (referencing a particular edition by year). [Note: While this amendment appears to be largely technical, it would change a provision that is shared with the definition of ***low-voltage electric fence*** in the Skilled Trades Regulation Act and create a discrepancy between the two acts with regard to the provisions of that definition that they otherwise have in common.]

Work not requiring a permit

The bill would add "siting" and "placement" to work that would not require a permit and would rephrase the provision to make electric wiring, equipment, or devices an allowable, rather than necessary, component of that work. (The bill would characterize the work as being done on a business monitoring system, a home monitoring system, or a low-voltage electric fence, including any related or associated electric wiring, equipment, or devices.)

Finally, the bill would specify that the provision supersedes any state law to the contrary (rather than only the act or the code) and specify that a permit is generally not required for such work (rather than only a permit under the act or code).

MCL 125.1528a

ARGUMENTS:

For:

Supporters of the bill argued that the changes it would make to the Single State Construction Code Act are necessary to fully carry out the intent of 2018 PAs 331 and 332. According to committee testimony, height requirements for electric fences and the nonelectric fences or walls that enclose them were inadvertently left out of the earlier acts. Some have also questioned the meaning of the requirement that a nonelectric fence or wall “completely enclose” the electric fence. Specifying lateral enclosure would remove the potential for misconstruing that provision. By clearing up such ambiguities and resolving conflicts the act may have with other Michigan laws, the bill would provide clearer guidelines to professionals acting under the Construction Code Act.

Against:

No arguments against the bill were presented in committee testimony.

POSITIONS:

A representative of Amarok testified in support of the bill. (5-28-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.