

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/20/23

A Bill

HOUSE BILL 1406

5 By: Representative Evans
6 By: Senator Flippo
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE REGULATION OF CERTAIN BATTERY-
10 CHARGED FENCES BY MUNICIPALITIES AND COUNTIES; AND
11 FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING THE REGULATION OF CERTAIN
16 BATTERY-CHARGED FENCES BY MUNICIPALITIES
17 AND COUNTIES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 17, Chapter 40, Subchapter 1, is
23 amended to add an additional section to read as follows:

24 17-40-108. Battery-charged fences – Definitions.

25 (a) As used in this section:

26 (1)(A) "Alarm system" means a device or system that:

27 (i) Transmits a signal intended to summon law
28 enforcement of a municipality in response to a burglary; or

29 (ii) Is used to:

30 (a) Prevent or detect burglary, theft,
31 pilferage, fire, or other loss of property; or

32 (b) Prevent or detect intrusion.

33 (B) "Alarm system" does not include an alarm:

34 (i) Installed on a motor vehicle, unless the motor
35 vehicle is used for habitation at a permanent site; or

36 (ii) Designed to alert only the inhabitants within



1 the premises;

2 (2) "Battery-charged fence" means a fence that:

3 (A) Interfaces with an alarm system in a manner that
4 enables the fence to cause the connected alarm system to transmit a signal
5 intended to summon law enforcement in response to a burglary;

6 (B) Is located on property that is not designated by a
7 municipality or county for residential use;

8 (C) Has an energizer that is driven by a commercial
9 storage battery that is not more than twelve volts (12v) of direct current;

10 (D) Produces an electric charge on contact that does not
11 exceed energizer characteristics set for electric fence energizers by the
12 standards established by the International Electrotechnical Commission, as it
13 existed on January 1, 2023;

14 (E) Is completely surrounded by a nonelectric perimeter
15 fence or wall that is not less than five feet (5') in height;

16 (F) Is not taller than:

17 (i) Ten feet (10') in height; or

18 (ii) Two feet (2') higher than the height of the
19 nonelectric perimeter fence or wall, whichever is taller;

20 (G) Is marked with conspicuous warning signs that are
21 located on the electric fence at not less than thirty-foot (30') intervals
22 and that read:

23 "WARNING – ELECTRIC FENCE"; and

24 (H) Has all ancillary components and a battery charger
25 that produces a very small current to maintain the battery;

26 (3) "County" means any county in this state; and

27 (4) "Municipality" means:

28 (A) A city of the first class;

29 (B) A city of the second class; or

30 (C) An incorporated town.

31 (b) Notwithstanding any other law, a municipality or county shall not
32 adopt or enforce an ordinance, order, or rule that:

33 (1) Requires a permit for the installation or use of a battery-
34 charged fence that is in addition to any alarm system permit or license
35 issued by the municipality or county;

36 (2) Imposes installation or operational requirements for a

1 battery-charged fence; or

2 (3) Prohibits the installation or use of a battery-charged

3 fence.

4 (c) This section does not apply to a fence used for agricultural or

5 aquacultural purposes.

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/s/Evans

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APPROVED: 3/13/23

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