

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/20/23

A Bill

HOUSE BILL 1406

By: Representative Evans

By: Senator Flippo

For An Act To Be Entitled

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

Subtitle

CONCERNING THE REGULATION OF CERTAIN
BATTERY-CHARGED FENCES BY MUNICIPALITIES
AND COUNTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 40, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) As used in this section:

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

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

(ii) Is used to:

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

(b) Prevent or detect intrusion.

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

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

(ii) Designed to alert only the inhabitants within



the premises;

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

(A) 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;

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

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

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

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

(F) Is not taller than:

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

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

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

"WARNING – ELECTRIC FENCE"; and

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

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

(4) "Municipality" means:

(A) A city of the first class;

(B) A city of the second class; or

(C) An incorporated town.

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

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

(2) Imposes installation or operational requirements for a

battery-charged fence; or

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

(c) This section does not apply to a fence used for agricultural or aquacultural purposes.

/s/Evans

APPROVED: 3/13/23