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COMMITTEE REPORT

April 30, 2019

**S. 109**

Introduced by Senator Massey

S. Printed 4/30/19--H.

Read the first time March 27, 2019.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 109) to amend Section 40-79-20 of the 1976 Code, relating to the South Carolina Alarm System Business Act, to add a definition for “electric fence”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 40-79-20 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA ALARM SYSTEM BUSINESS ACT, TO ADD A DEFINITION FOR “ELECTRIC FENCE”, AND TO MAKE TECHNICAL CORRECTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40-79-20 of the 1976 Code is amended to read:

“Section 40‑79‑20. ~~(A)~~ As used in this chapter:

(1) ‘Administrative personnel’ means an individual who performs daily office functions for the management of an alarm business.

(2) ‘Alarm business’ means an entity that is licensed by the South Carolina Contractor’s Licensing Board to engage in the burglar or fire alarm system business, or both.

(3) ‘Alarm technician’ means an individual who specializes in any activity or work related to the set up or installation, repair, alteration, or connection of an alarm system to a client’s property.

~~(2)~~(4) ‘Bid’ means an offer to furnish labor, equipment or materials, or other services regulated by this chapter.

~~(3)~~(5) ‘Board’ means the South Carolina Contractor’s Licensing Board.

~~(4)~~(6) ‘Burglar alarm system business’ means a person, firm, association, partnership, corporation, or other legal entity authorized by law and approved by the board that designs, installs, services, maintains, or alters burglar alarm systems, including burglar alarm systems with an electric fence as defined herein, and heat and smoke sensors installed within a burglar alarm system; a burglar alarm system detects intrusion, burglary, and breaking or entering but does not include home health care signaling devices.

~~(5)~~(7) ‘Contractor’ means an entity licensed to engage in the burglar or fire alarm system business.

(8) ‘Customer service personnel’ means an individual working for a licensed alarm entity who provides support for customer problems, complaints, questions, and concerns involving an alarm system.

~~(6)~~(9) ‘Department’ means the Department of Labor, Licensing and Regulation.

(10) ‘Electric fence’ means an electrified fence with a height not to exceed ten feet or two feet higher than the perimeter fence, whichever is higher, that is equipped with an energizer, driven by a commercial storage battery that does not exceed twelve volts DC. The electric charge produced by the fence upon contact must meet and may not exceed energizer characteristics that are tested against the International Electrotechnical Commission Standard. No electric fence shall be installed or used unless it is surrounded by a non-electrical fence or wall that is not less than five feet high. Electric fences shall be permitted on any property that is not zoned exclusively for residential use. Electric fences shall be clearly identified with warning signs that read: ‘Warning - Electric Fence’ at intervals of not more than sixty feet. ‘Electric fence’ does not mean an electrified fence erected for agricultural or wildlife habitat management purposes.

~~(7)~~(11) ‘Entity’ means a sole proprietorship, partnership, limited liability partnership, limited liability company, association, joint venture, cooperative, corporation, or other legal entity authorized by law and approved by the board.

~~(8)~~(12) ‘Fire alarm system business’ means an individual, firm, association, partnership, corporation, or other legal entity authorized by law and approved by the board that designs, installs, services, maintains, or alters fire alarm systems.

~~(9)~~(13) ‘Individual’ means a natural person.

~~(10)~~(14) ‘Installs’ means activity or work which involves the set‑up, installation, or connection of alarm system equipment in any manner to a client’s property.

~~(11)~~(15) ‘Licensee’ means an alarm business that has been issued a license by the board pursuant to this chapter.

(16) ‘Monitoring personnel’ means an individual who performs daily office functions, observing the operation and activation of alarm systems from a monitoring station.

~~(12)~~(17) ‘Primary qualifying party’ means a qualifying party who is an owner, partner, or officer of a burglar alarm system business, or a full‑time employee holding a managerial or supervisory position within the alarm system business and who qualifies the licensee to engage in the burglar or fire alarm business and is registered as a qualifying party with the department in accordance with this chapter.

~~(13)~~(18) ‘Qualifying party’ means an individual, owner, partner, officer, or employee of an alarm system business who has met the necessary requirements of a qualifying party and is registered with the department in accordance with this chapter.

~~(14)~~(19) ‘Registered’ means an owner, partner, principle officer, qualifying party, or registered employee of an alarm business whose name and address has been listed or registered with the department as an individual who has access to a client’s property or burglar alarm records that can reveal, but not be limited to, the type of burglar alarm system, burglar alarm security numbers or code, or any other information pertaining to the system that could compromise the client’s burglar alarm system. This includes individuals who sell, install, or service a burglar alarm system at a client’s residence and a full‑time employee. Also included is a part‑time employee that has access to customers’ records or files.

~~(15)~~(20) ‘Registered employee’ means an individual of an alarm system business who has not met the requirements of a qualifying party and is employed more than thirty days in any given calendar year and is registered with the department in accordance with this chapter.

~~(16)~~ ~~‘Administrative personnel’ means an individual that performs daily office functions for the management of an alarm business.~~

~~(17)~~ ~~‘Monitoring personnel’ means an individual that performs daily office functions observing the operation and activation of alarm systems from a monitoring station.~~

~~(18)~~ ~~‘Customer service personnel’ means an individual working for a licensed alarm entity that provides support for customer problems, complaints, questions, and concerns involving an alarm system.~~

~~(19)~~ ~~‘Alarm technician’ means an individual that specializes in any activity or work related to the set‑up or installation, repair, alteration, or connection of an alarm system to a client’s property.~~”

SECTION 2. This act takes effect upon approval by the Governor.

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