

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 339 Session of
1989

INTRODUCED BY GEIST, CLYMER, SERAFINI, FLICK, VROON, VEON,
OLASZ, E. Z. TAYLOR, JOHNSON, B. D. CLARK AND MELIO,
FEBRUARY 8, 1989

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 8, 1989

AN ACT

1 Providing for safety standards for electrified fences; and
2 providing for penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Electrified
7 Fence Act.

8 Section 2. Legislative findings and declaration of intent.

9 The General Assembly finds and declares as follows:

10 (1) Improperly designed and installed electrified fences
11 have caused injuries and, in some instances, have resulted in
12 the deaths of individuals, particularly children, coming into
13 contact with the conductive elements thereof.

14 (2) In order to prevent such accidents, standards for
15 electrified fences should be developed and enforced.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Board." The Industrial Board of the Department of Labor and
4 Industry.

5 "Electrified fence." A fence and appurtenant devices. The
6 term includes fences and devices used in animal control and a
7 fence which consists of a single strand of wire supported by
8 posts or other fixtures, which has an electrical charge or is
9 connected to a source of electrical current and which is so
10 designated or placed that an individual or animal coming into
11 contact with the conductive element of the fence receives an
12 electrical shock.

13 "Municipality." A county, city, borough, incorporated town,
14 township of the first or second class, home rule municipality or
15 similar general purpose unit of government which is hereafter
16 created by the General Assembly.

17 Section 4. Standards or specifications.

18 No electrified fences may be offered for sale, sold,
19 installed or used in this Commonwealth, or otherwise connected
20 to a source of electrical current, unless the electrical current
21 is limited and regulated by an electrical controller which meets
22 or exceeds the standards or specifications of the National
23 Electrical Code of the National Fire Protection Association, the
24 Underwriters Laboratories or any other independent testing
25 laboratory approved by the board for intermittent-type electric
26 fence or electrified fence controllers. The board has the power
27 and duty to promulgate regulations necessary to implement this
28 act.

29 Section 5. Regulation by municipalities.

30 The provisions of this act shall not be construed to preclude

1 regulation of electrified fences by municipalities, including,
2 but not limited to, requiring the installation or use of
3 electrified fences under permit; however, this regulation shall
4 not permit the installation or use of electrified fences which
5 do not conform to the requirements of this act.

6 Section 6. Notification.

7 An individual, or the individual's authorized agent or
8 contractor, who desires to construct an electrified fence shall
9 notify the applicable building inspector or zoning officer of
10 this intent. The applicable building inspector or zoning officer
11 shall ensure that the electrified fence meets the standards or
12 specifications of this act and shall present the individual or
13 the agent or contractor with written notification verifying
14 compliance.

15 Section 7. Penalty.

16 A person who fails to comply with the provisions of this act
17 commits a summary offense and shall, upon conviction, be
18 sentenced to pay a fine of not more than \$300, plus costs for
19 each offense, or to imprisonment for not more than 90 days, or
20 both. Every 24-hour period such person continues in violation of
21 this act shall constitute a distinct and separate violation.

22 Section 8. Effective date.

23 This act shall take effect in 60 days.