

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 75
Finance

(Senator Klausmeier)

Radio Communications - Regulation of Amateur Radio Equipment - Limitations

This bill prohibits a homeowners association from adopting a covenant, declaration, or governing document after October 1, 2006 that restricts amateur radio equipment. It also requires a local legislative body that regulates amateur radio equipment to comply with specified federal regulations.

Fiscal Summary

State Effect: None.

Local Effect: None. To the extent that any local government currently regulates amateur radio equipment, requiring compliance with current federal regulations would not have a fiscal impact.

Small Business Effect: None.

Analysis

Current Law: Federal regulation title 47, part 97.15 provides that state and local regulation of a radio station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation in order to accomplish the state or local authority's legitimate purpose.

Background: Millions of amateur operators in all areas of the world communicate with each other directly or through ad hoc relay systems and amateur-satellites. They exchange messages by voice, teleprinting, telegraphy, facsimile, and television. In areas where the Federal Communications Commission (FCC) regulates the services, an

amateur operator must have an FCC or Canadian license. FCC has issued six types of license operator class, each authorizing varying levels of privileges. The class for which each licensee is qualified is determined by the degree of skill and knowledge in operating a station that the licensee demonstrates during an examination.

Amateur radio operators set up and operate organized communication networks locally for governmental and emergency officials, as well as noncommercial communication people affected by disaster. Amateur radio operators are most likely to be active after disasters that damage regular lines of communications due to power outages and destruction of telephone, cellular, and other infrastructure-dependent systems.

Many organizations have formal agreements with the Amateur Radio Emergency Service (ARES) and other amateur radio groups including:

- Department of Homeland Security – Citizen Corps;
- Federal Emergency Management Agency;
- National Communications System;
- American Red Cross;
- Salvation Army; and
- National Weather Service.

Additional Information

Prior Introductions: None.

Cross File: HB 296 (Delegates Kach and Bromwell) – Environmental Matters.

Information Source(s): Department of Planning, Secretary of State, Washington County, Montgomery County, Prince George’s County, Kent County, Worcester County, City of Westminster, Town of Bel Air, City of Salisbury, Town of Riverdale Park, Town of Leonardtown, Federal Communications Commission, American Radio Relay League, Department of Legislative Services

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nas/ljm

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