

Department of Legislative Services

Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 663

(Delegate Boteler)

Environment and Transportation

Education, Health, and Environmental Affairs

Local Government - Regulation of Amateur Radio Station Antenna Structures

This bill requires that an ordinance adopted by a county or municipality that regulates amateur radio station antenna structures (1) may not preclude amateur radio communications; (2) must reasonably accommodate amateur radio communications; and (3) must constitute the minimum practicable regulation to accomplish the legitimate purpose of the ordinance. The bill declares that it is the intent of the General Assembly to codify the provisions of Section 97.15 of Title 47 of the Code of Federal Regulations concerning the Federal Communications Commission's (FCC) preemption of local ordinances regulating amateur radio station antenna structures.

Fiscal Summary

State Effect: None. The bill primarily codifies existing federal law.

Local Effect: None. The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: “Amateur radio” means the use of a radio frequency spectrum for purposes of noncommercial exchange of messages, wireless experimentation, self-training, private recreation, radiosport, contesting, or emergency communication by a duly authorized person interested in radioelectric practice with a purely personal aim and without pecuniary interest.

Current Law: The State does not currently restrict the regulation of amateur radio equipment by a county or municipality.

Under federal law, regulation of radio broadcasting, including the placement of amateur radio equipment, is regulated by the FCC. By regulation (Title 47, Part 97.15), the FCC has prohibited state and local regulations of a radio station antenna structure from precluding amateur service communications. Rather, any state or local regulation must reasonably accommodate these communications and must constitute the minimum practicable regulation in order to accomplish the state or local authority's legitimate purpose in adopting a regulation.

Additional Comments: Amateur radio can play a critical role in emergency situations. Amateur radio operators can set up and operate organized communication networks locally for governmental and emergency officials, as well as noncommercial communication for private citizens affected by a disaster. The American Radio Relay League, a national association for amateur radio operators in the United States with over 161,000 members, maintains signed agreements with many disaster services such as the Federal Emergency Management Agency, the American Red Cross, and the National Weather Service. For example, amateur radio service kept New York City agencies in touch with each other after their command center was destroyed during the September 11, 2001 terrorist attacks. Amateur radio operators also provided supporting emergency communications during Hurricane Katrina, the devastating flooding in Colorado in 2013, and more recently during Hurricane Harvey, Hurricane Irma, and the recovery efforts in Puerto Rico.

Additional Information

Prior Introductions: HB 1225 passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 1177 of 2019 was assigned to the House Environment and Transportation Committee but was withdrawn prior to receiving a hearing.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; City of Havre de Grace; Maryland Municipal League; Town of Rising Sun; Department of Legislative Services

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