

HOUSE BILL 663

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HB 1225/20 – ENT

1lr1890

By: **Delegate Boteler**

Introduced and read first time: January 22, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Local Government – Regulation of Amateur Radio Station Antenna Structures

FOR the purpose of declaring the intent of the General Assembly; establishing certain requirements that apply to a county or municipal ordinance regulating amateur radio station antenna structures; providing for the application of this Act; defining a certain term; and generally relating to county or municipal regulation of amateur radio station antenna structures.

BY adding to

Article – Local Government
Section 1–1314
Annotated Code of Maryland
(2013 Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Local Government

1–1314.

(A) IN THIS SECTION, “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.

(B) THIS SECTION APPLIES TO ALL COUNTIES AND MUNICIPALITIES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CODIFY THE PROVISIONS OF 47 C.F.R. § 97.15 CONCERNING THE FEDERAL COMMUNICATIONS COMMISSION'S PREEMPTION OF LOCAL ORDINANCES REGULATING AMATEUR RADIO STATION ANTENNA STRUCTURES.

(D) A COUNTY OR MUNICIPAL ORDINANCE REGULATING AMATEUR RADIO STATION ANTENNA STRUCTURES:

(1) MAY NOT PRECLUDE AMATEUR RADIO COMMUNICATIONS;

(2) SHALL REASONABLY ACCOMMODATE AMATEUR RADIO COMMUNICATIONS; AND

(3) SHALL CONSTITUTE THE MINIMUM PRACTICABLE REGULATION TO ACCOMPLISH THE LEGITIMATE PURPOSE OF THE ORDINANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.