

§97.501

47 CFR Ch. I (10–1–10 Edition)

RACES on a shared basis with the amateur service. In the event of an emergency which necessitates invoking the President's War Emergency Powers under the provisions of section 706 of the Communications Act of 1934, as amended, 47 U.S.C. 606, RACES stations and amateur stations participating in RACES may only transmit on the frequency segments authorized pursuant to part 214 of this chapter.

(c) A RACES station may only communicate with:

- (1) Another RACES station;
- (2) An amateur station registered with a civil defense organization;
- (3) A United States Government station authorized by the responsible agency to communicate with RACES stations;
- (4) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

(d) An amateur station registered with a civil defense organization may only communicate with:

- (1) A RACES station licensed to the civil defense organization with which the amateur station is registered;
- (2) The following stations upon authorization of the responsible civil defense official for the organization with which the amateur station is registered:

- (i) A RACES station licensed to another civil defense organization;
- (ii) An amateur station registered with the same or another civil defense organization;
- (iii) A United States Government station authorized by the responsible agency to communicate with RACES stations; and
- (iv) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

(e) All communications transmitted in RACES must be specifically authorized by the civil defense organization for the area served. Only civil defense communications of the following types may be transmitted:

- (1) Messages concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional, or national civil emergencies;

(2) Messages directly concerning the immediate safety of life of individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage;

(3) Messages directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or other authorized governmental or relief agencies; and

(4) Communications for RACES training drills and tests necessary to ensure the establishment and maintenance of orderly and efficient operation of the RACES as ordered by the responsible civil defense organization served. Such drills and tests may not exceed a total time of 1 hour per week. With the approval of the chief officer for emergency planning in the applicable State, Commonwealth, District or territory, however, such tests and drills may be conducted for a period not to exceed 72 hours no more than twice in any calendar year.

[54 FR 25857, June 20, 1989, as amended at 65 FR 6550, Feb. 10, 2000; 71 FR 66465, Nov. 15, 2006]

Subpart F—Qualifying Examination Systems

§97.501 Qualifying for an amateur operator license.

Each applicant must pass an examination for a new amateur operator license grant and for each change in operator class. Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for, the following examination elements:

- (a) Amateur Extra Class operator: Elements 2, 3, and 4;
- (b) General Class operator: Elements 2 and 3;
- (c) Technician Class operator: Element 2.

[65 FR 6550, Feb. 10, 2000, as amended at 72 FR 3082, Jan. 24, 2007]

§97.503 Element standards.

A written examination must be such as to prove that the examinee possesses

the operational and technical qualifications required to perform properly the duties of an amateur service licensee. Each written examination must be comprised of a question set as follows:

(a) Element 2: 35 questions concerning the privileges of a Technician Class operator license. The minimum passing score is 26 questions answered correctly.

(b) Element 3: 35 questions concerning the privileges of a General Class operator license. The minimum passing score is 26 questions answered correctly.

(c) Element 4: 50 questions concerning the privileges of an Amateur Extra Class operator license. The minimum passing score is 37 questions answered correctly.

[54 FR 25857, June 20, 1989, as amended at 61 FR 41019, Aug. 7, 1996; 65 FR 6550, Feb. 10, 2000; 72 FR 3082, Jan. 24, 2007]

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants or license documents:

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license grant: Elements 2 and 3.

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license grant: Elements 2 and 3.

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician or Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license grant: Element 2.

(4) An expired FCC-issued Technician Class operator license document granted before March 21, 1987; Element 3.

(5) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.

[59 FR 54834, Nov. 2, 1994, as amended at 63 FR 68980, Dec. 14, 1998; 65 FR 6551, Feb. 10, 2000; 69 FR 24997, May 5, 2004; 72 FR 3082, Jan. 24, 2007]

§ 97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE holding an Amateur Extra Class operator license. A telegraphy message or written question set may also be prepared for the following elements by a VE holding an operator license of the class indicated:

(1) Element 3: Advanced Class operator.

(2) Elements 1 and 2: Advanced or General Class operators.

(b) Each question set administered to an examinee must utilize questions taken from the applicable question pool.

(c) Each telegraphy message and each written question set administered to an examinee for an amateur operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC.

(d) A telegraphy examination must consist of a message sent in the international Morse code at no less than the prescribed speed for a minimum of 5 minutes. The message must contain each required telegraphy character at least once. No message known to the examinee may be administered in a telegraphy examination. Each 5 letters of the alphabet must be counted as 1 word. Each numeral, punctuation mark and prosign must be counted as 2 letters of the alphabet.

[54 FR 25857, June 20, 1989, as amended at 58 FR 29126, May 19, 1993; 59 FR 54834, Nov. 2, 1994; 65 FR 6551, Feb. 10, 2000; 69 FR 24997, May 5, 2004]

§ 97.509 Administering VE requirements.

(a) Each examination for an amateur operator license must be administered by a team of at least 3 VEs at an examination session coordinated by a VEC. The number of examinees at the session may be limited.

(b) Each administering VE must:

(1) Be accredited by the coordinating VEC;

(2) Be at least 18 years of age;

(3) Be a person who holds an amateur operator license of the class specified below:

§97.511

47 CFR Ch. I (10–1–10 Edition)

(i) Amateur Extra, Advanced or General Class in order to administer a Technician Class operator license examination;

(ii) Amateur Extra or Advanced Class in order to administer a General Class operator license examination;

(iii) Amateur Extra Class in order to administer an Amateur Extra Class operator license examination.

(4) Not be a person whose grant of an amateur station license or amateur operator license has ever been revoked or suspended.

(c) Each administering VE must be present and observing the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

(d) No VE may administer an examination to his or her spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, nephews, and in-laws.

(e) No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the grant of the VE's amateur station license and the suspension of the grant of the VE's amateur operator license.

(f) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be re-administered to the same examinee.

(g) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The administering VEs, however, may also include a sending segment in a telegraphy examination.

(h) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. The administering VEs are responsible for determining

the correctness of the examinee's answers.

(i) When the examinee is credited for all examination elements required for the operator license sought, 3 VEs must certify that the examinee is qualified for the license grant and that the VEs have complied with these administering VE requirements. The certifying VEs are jointly and individually accountable for the proper administration of each examination element reported. The certifying VEs may delegate to other qualified VEs their authority, but not their accountability, to administer individual elements of an examination.

(j) When the examinee does not score a passing grade on an examination element, the administering VEs must return the application document to the examinee and inform the examinee of the grade.

(k) The administering VEs must accommodate an examinee whose physical disabilities require a special examination procedure. The administering VEs may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures must be used.

(l) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(m) After the administration of a successful examination for an amateur operator license, the administering VEs must submit the application document to the coordinating VEC according to the coordinating VEC's instructions.

[59 FR 54834, Nov. 2, 1994, as amended at 61 FR 9953, Mar. 12, 1996; 62 FR 17567, Apr. 10, 1997; 63 FR 68980, Dec. 14, 1998; 65 FR 6551, Feb. 10, 2000; 71 FR 66465, Nov. 15, 2006]

§97.511 Examinee conduct.

Each examinee must comply with the instructions given by the administering VEs.

[59 FR 54835, Nov. 2, 1994]

§97.513 VE session manager requirements.

(a) A VE session manager may be selected by the VE team for each examination session. The VE session manager must be accredited as a VE by the

Federal Communications Commission

§ 97.525

same VEC that coordinates the examination session. The VE session manager may serve concurrently as an administering VE.

(b) The VE session manager may carry on liaison between the VE team and the coordinating VEC.

(c) The VE session manager may organize activities at an examination session.

[62 FR 17567, Apr. 10, 1997]

§§ 97.515-97.517 [Reserved]

§ 97.519 Coordinating examination sessions.

(a) A VEC must coordinate the efforts of VEs in preparing and administering examinations.

(b) At the completion of each examination session, the coordinating VEC must collect applicant information and test results from the administering VEs. The coordinating VEC must:

(1) Screen collected information;

(2) Resolve all discrepancies and verify that the VE's certifications are properly completed; and

(3) For qualified examinees, forward electronically all required data to the FCC. All data forwarded must be retained for at least 15 months and must be made available to the FCC upon request.

(c) Each VEC must make any examination records available to the FCC, upon request

(d) The FCC may:

(1) Administer any examination element itself;

(2) Readminister any examination element previously administered by VEs, either itself or under the supervision of a VEC or VEs designated by the FCC; or

(3) Cancel the operator/primary station license of any licensee who fails to appear for readministration of an examination when directed by the FCC, or who does not successfully complete any required element that is readministered. In an instance of such cancellation, the person will be granted an operator/primary station license consistent with completed examination elements that have not been invalidated by not appearing for, or by fail-

ing, the examination upon readministration.

[54 FR 25857, June 20, 1989, as amended at 59 FR 54835, Nov. 2, 1994; 62 FR 17567, Apr. 10, 1997; 63 FR 68981, Dec. 14, 1998; 71 FR 66465, Nov. 15, 2006]

§ 97.521 VEC qualifications.

No organization may serve as a VEC unless it has entered into a written agreement with the FCC. The VEC must abide by the terms of the agreement. In order to be eligible to be a VEC, the entity must:

(a) Be an organization that exists for the purpose of furthering the amateur service;

(b) Be capable of serving as a VEC in at least the VEC region (see appendix 2) proposed;

(c) Agree to coordinate examinations for any class of amateur operator license;

(d) Agree to assure that, for any examination, every examinee qualified under these rules is registered without regard to race, sex, religion, national origin or membership (or lack thereof) in any amateur service organization;

[54 FR 25857, June 20, 1989, as amended at 58 FR 29127, May 19, 1993; 61 FR 9953, Mar. 12, 1996]

§ 97.523 Question pools.

All VECs must cooperate in maintaining one question pool for each written examination element. Each question pool must contain at least 10 times the number of questions required for a single examination. Each question pool must be published and made available to the public prior to its use for making a question set. Each question on each VEC question pool must be prepared by a VE holding the required FCC-issued operator license. See § 97.507(a) of this part.

§ 97.525 Accrediting VEs.

(a) No VEC may accredit a person as a VE if:

(1) The person does not meet minimum VE statutory qualifications or minimum qualifications as prescribed by this part;

(2) The FCC does not accept the voluntary and uncompensated services of the person;

§ 97.527

(3) The VEC determines that the person is not competent to perform the VE functions; or

(4) The VEC determines that questions of the person's integrity or honesty could compromise the examinations.

(b) Each VEC must seek a broad representation of amateur operators to be VEs. No VEC may discriminate in accrediting VEs on the basis of race, sex, religion or national origin; nor on the basis of membership (or lack thereof) in an amateur service organization; nor on the basis of the person accepting or declining to accept reimbursement.

§ 97.527 Reimbursement for expenses.

VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating an examination for an amateur operator license.

[66 FR 20752, Apr. 25, 2001]

APPENDIX 1 TO PART 97—PLACES WHERE THE AMATEUR SERVICE IS REGULATED BY THE FCC

In ITU Region 2, the amateur service is regulated by the FCC within the territorial limits of the 50 United States, District of Columbia, Caribbean Insular areas [Commonwealth of Puerto Rico, United States Virgin Islands (50 islets and cays) and Navassa Island], and Johnston Island (Islets East, Johnston, North and Sand) and Midway Island (Islets Eastern and Sand) in the Pacific Insular areas.

In ITU Region 3, the amateur service is regulated by the FCC within the Pacific Insular territorial limits of American Samoa (seven islands), Baker Island, Commonwealth of Northern Mariana Islands, Guam Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island (more than 50 islets) and Wake Island (Islets Peale, Wake and Wilkes).

APPENDIX 2 TO PART 97—VEC REGIONS

1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.
2. New Jersey and New York.
3. Delaware, District of Columbia, Maryland and Pennsylvania.
4. Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee and Virginia.
5. Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas.
6. California.

47 CFR Ch. I (10–1–10 Edition)

7. Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.
8. Michigan, Ohio and West Virginia.
9. Illinois, Indiana and Wisconsin.
10. Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota.
11. Alaska.
12. Caribbean Insular areas.
13. Hawaii and Pacific Insular areas.

PART 101—FIXED MICROWAVE SERVICES

Subpart A—General

Sec.

- 101.1 Scope and authority.
- 101.3 Definitions.

Subpart B—Applications and Licenses

GENERAL FILING REQUIREMENTS

- 101.4 Transition plan.
- 101.5 Station authorization required.
- 101.7 Eligibility for station license.
- 101.17 Performance requirements for the 38.6–40.0 GHz frequency band.
- 101.21 Technical content of applications.
- 101.23 Waiver of rules.
- 101.31 Temporary and conditional authorizations.

PROCESSING OF APPLICATIONS

- 101.45 Mutually exclusive applications.
- 101.51 Comparative evaluation of mutually exclusive applications.

LICENSE TRANSFERS, MODIFICATIONS, CONDITIONS AND FORFEITURES

- 101.55 Considerations involving transfer or assignment applications.
- 101.56 Partitioned service areas (PSAs) and disaggregated spectrum.
- 101.61 Certain modifications not requiring prior authorization in the Local Multipoint Distribution Service and 24 GHz Service.
- 101.63 Period of construction; certification of completion of construction.
- 101.64 Service areas.
- 101.65 Forfeiture and termination of station authorizations.
- 101.67 License period.

POLICIES GOVERNING MICROWAVE RELOCATION FROM THE 1850–1990 AND 2110–2200 MHz BANDS

- 101.69 Transition of the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands from the fixed microwave services to personal communications services and emerging technologies.
- 101.71 [Reserved]
- 101.73 Mandatory negotiations.
- 101.75 Involuntary relocation procedures.