

105TH CONGRESS
1ST SESSION

S. 608

To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 1997

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING**
4 **CITIZENS BAND RADIO EQUIPMENT.**

5 Section 302 of the Communications Act of 1934 (47
6 U.S.C. 302) is amended by adding at the end the follow-
7 ing:

1 “(f)(1) Except as provided in paragraph (2), a State
2 or local government may enforce the following regulations
3 of the Commission under this section:

4 “(A) A regulation that prohibits a use of citi-
5 zens band radio equipment not authorized by the
6 Commission.

7 “(B) A regulation that prohibits the unauthor-
8 ized operation of citizens band radio equipment on
9 a frequency between 24 MHz and 35 MHz.

10 “(2) Possession of a station license issued by the
11 Commission pursuant to section 301 in any radio service
12 for the operation at issue shall preclude action by a State
13 or local government under this subsection.

14 “(3) The Commission shall provide technical guid-
15 ance to State and local governments regarding the detec-
16 tion and determination of violations of the regulations
17 specified in paragraph (1).

18 “(4)(A) In addition to any other remedy authorized
19 by law, a person affected by the decision of a State or
20 local government enforcing a regulation under paragraph
21 (1) may submit to the Commission an appeal of the deci-
22 sion on the grounds that the State or local government,
23 as the case may be, acted outside the authority provided
24 in this subsection.

1 “(B) A person shall submit an appeal on a decision
2 of a State or local government to the Commission under
3 this paragraph, if at all, not later than 30 days after the
4 date on which the decision by the State or local govern-
5 ment becomes final.

6 “(C) The Commission shall make a determination on
7 an appeal submitted under subparagraph (B) not later
8 than 180 days after its submittal.

9 “(D) If the Commission determines under subpara-
10 graph (C) that a State or local government has acted out-
11 side its authority in enforcing a regulation, the Commis-
12 sion shall reverse the decision enforcing the regulation.

13 “(5) The enforcement of a regulation by a State or
14 local government under paragraph (1) in a particular case
15 shall not preclude the Commission from enforcing the reg-
16 ulation in that case concurrently.

17 “(6) Nothing in this subsection shall be construed to
18 diminish or otherwise affect the jurisdiction of the Com-
19 mission under this section over devices capable of interfer-
20 ing with radio communications.”.

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