

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 331

(Delegates Boteler and Buckel)

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 FCC. By regulation (Title 47, Part 97.15), 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 Information

Prior Introductions: HB 663 of 2021 passed the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 1225 of 2020 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): Caroline, Howard, Montgomery, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2022
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