

and the percentage of distribution of profits and losses.

(vi) Officers and directors of an entity shall be considered to have an attributable interest in the entity. The officers and directors of an entity that controls a licensee or applicant shall be considered to have an attributable interest in the licensee or applicant.

(vii) Ownership interests that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

(viii) Any person who manages the operations of an applicant or licensee pursuant to a management agreement shall be considered to have an attributable interest in such applicant or licensee if such person, or its affiliate pursuant to §1.2110(b)(4) of this chapter, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence,

(A) The nature or types of services offered by such an applicant or licensee;

(B) The terms upon which such services are offered; or

(C) The prices charged for such services.

(ix) Any licensee or its affiliate who enters into a joint marketing arrangement with an applicant or licensee, or its affiliate, shall be considered to have an attributable interest, if such applicant or licensee, or its affiliate, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence,

(A) The nature or types of services offered by such an applicant or licensee;

(B) The terms upon which such services are offered; or

(C) The prices charged for such services.

(d) A winning bidder that qualifies as a small business or a consortium of

small businesses as defined in paragraph (b)(1) or (b)(5) of this section may use the bidding credit specified in §1.2110(e)(2)(ii) of this chapter. A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in paragraph (b)(2) or (b)(5) of this section may use the bidding credit specified in §1.2110(e)(2)(i) of this chapter.

PART 94 [RESERVED]

PART 95—PERSONAL RADIO SERVICES

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

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EDITORIAL NOTE: Nomenclature changes to part 95 appear at 63 FR 54077, Oct. 8, 1998.

Subpart A—General Mobile Radio Service (GMRS)

SOURCE: 48 FR 35237, Aug. 3, 1983, unless otherwise noted.

§ 95.1 The General Mobile Radio Service (GMRS).

(a) The *GMRS* is a land mobile radio service available to persons for short-distance two-way communications to facilitate the activities of licensees and their immediate family members. Each licensee manages a system consisting of one or more stations.

(b) The 218-219 MHz Service is a two-way radio service authorized for system licensees to provide communication service to subscribers in a specific service area. The rules for this service are contained in subpart F of this part.

[48 FR 35237, Aug. 3, 1983, as amended at 50 FR 7345, Feb. 22, 1985; 53 FR 47714, Nov. 25, 1988; 57 FR 8275, Mar. 9, 1992; 62 FR 23163, Apr. 29, 1997; 64 FR 59659, Nov. 3, 1999]

§ 95.3 License required.

Before any station transmits on any channel authorized in the GMRS from any *point* (a geographical location) within or over the territorial limits of any area where radio services are regulated by the FCC, the responsible party must obtain a *license* (a written authorization from the FCC for a GMRS system).

[53 FR 47714, Nov. 25, 1988]

§ 95.5 Licensee eligibility.

(a) An *individual* (one man or one woman) is eligible to obtain, renew, and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government.

(b) A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or make a major modification to an existing GMRS system license (see § 1.929 of this chapter).

(c) A GMRS system licensed to a non-individual before July 31, 1987, is eligible to renew that license and all subsequent licenses based upon it if:

(1) The non-individual is a partnership and each partner is 18 years of age or older; a corporation; an association; a state, territorial, or local government unit; or a legal entity;

(2) The non-individual is not a foreign government; a representative of a foreign government; or a federal government agency; and

(3) The licensee has not been granted a major modification to its GMRS system.

[64 FR 53241, Oct. 1, 1999]

§ 95.7 Channel sharing.

(a) Channels or channel pairs (one 462 MHz frequency listed in § 95.29(a) of this part and one 467 MHz frequency listed in § 95.29(b) of this part) are available to GMRS systems only on a shared basis and will not be assigned for the exclusive use of any licensee. All station operators and GMRS system licensees must cooperate in the selection and use of channels to reduce interference and to make the most effective use of the facilities.

(b) Licensees of GMRS systems suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the FCC may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned. Further, the use of any frequency at a given geographical location may be denied when, in the judgment of the FCC, its use in that location is not in the public interest; the use of any channel or channel pair may be restricted as to specified geographical areas, maximum power, or other operating conditions.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47715, Nov. 25, 1988; 63 FR 68974, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

§ 95.21 GMRS system description.

A *GMRS system* is one or more transmitting units used by station operators to communicate messages. A GMRS system is comprised of:

- (a) One or more station operators;
- (b) One mobile station consisting of one or more mobile units (see § 95.23 of this part);

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(c) One or more land stations (optional);

(d) Paging receivers (optional); and

(e) Fixed stations (optional).

[63 FR 68974, Dec. 14, 1998]

§ 95.23 Mobile station description.

(a) A *mobile station* is one or more units which transmit while moving or during temporary stops at unspecified points.

(b) A mobile station unit may transmit from any point within or over any areas where radio services are regulated by the FCC *except* where additional considerations apply.

(c) A mobile station unit may transmit from an aircraft or ship, with the captain's permission, which is:

(1) Within or over any area where radio services are regulated by the FCC *except* where additional restrictions apply; and

(2) On or over international waters, if the unit is transmitting from an aircraft or ship of United States registry.

[48 FR 35237, Aug. 3, 1983, as amended at 49 FR 4003, Feb. 1, 1984; 63 FR 68974, Dec. 14, 1998]

§ 95.25 Land station description.

(a) A *land station* is a unit which transmits from a specific address as determined by the licensee.

(1) An exact point as shown on the license; or

(2) An unspecified point within an *operating area* (an area within a circle centered on a point chosen by the applicant) as shown on the license, for a *temporary period* (one year or less).

(b) The point from which every land station transmits must be within an area where radio services are regulated by the FCC.

(c) [Reserved]

(d) A *small control station* is any control station which:

(1) Has an antenna no more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted (see § 95.51); and

(2) Is: (i) South of Line A or west of Line C; or

(ii) North of Line A or east of Line C, and the station transmits with no more than 5 watts *ERP* (effective radiated power).

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(e) A *small base station* is any base station that:

(1) Has an antenna no more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted (see § 95.51); and

(2) Transmits with no more than 5 watts ERP.

(f) Each base station and each control station with an antenna height greater than 6.1 meters (20 feet) must be separately identified on Form 605. See §§ 95.25 (d) and (e) and 95.51 of this part.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47715, Nov. 25, 1988; 53 FR 51625, Dec. 22, 1988; 63 FR 68974, Dec. 14, 1998]

§ 95.27 Paging receiver description.

A *paging receiver* is a unit capable of receiving the radio signals from a base station for the bearer to hear a *page* (someone's name or other identifier said in order to find, summon or notify him/her) spoken by the base station operator.

§ 95.29 Channels available.

(a) For a base station, fixed station, mobile station, or repeater station (a GMRS station that simultaneously retransmits the transmission of another GMRS station on a different channel or channels), the licensee of the GMRS system must select the transmitting channels or channel pairs (see § 95.7(a) of this part) for the stations in the GMRS system from the following 462 MHz channels:

462.5500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000 and 462.7250.

(b) For a mobile station, control station, or fixed station operated in the duplex mode, the following 467 MHz channels may be used only to transmit communications through a repeater station and for remotely controlling a repeater station. The licensee of the GMRS system must select the transmitting channels or channel pairs (see § 95.7(a) of this part) for the stations operated in the duplex mode, from the following 467 MHz channels:

467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000 and 467.7250.

(c)-(e) [Reserved]

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(f) Except for a GMRS system licensed to a non-individual, a mobile station or a small base station operating in the simplex mode may transmit on the following 462 MHz interstitial channels:

462.5625, 462.5875, 462.6125, 462.6375, 462.6625, 462.6875 and 462.7125.

These channels may be used only under the following conditions:

(1) Only voice type emissions may be transmitted;

(2) The station does not transmit one-way pages; and

(3) The station transmits with no more than 5 watts ERP.

(g) Fixed stations in GMRS systems authorized before March 18, 1968, located 160 kilometers (100 miles) or more from the geographic center of urbanized areas of 200,000 or more population as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 50 that were authorized to transmit on channels other than those listed in this section may continue to transmit on their originally assigned channels provided that they cause no interference to the operation of stations in any of the part 90 private land mobile radio services.

[53 FR 47715, Nov. 25, 1988, as amended at 63 FR 68974, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

§ 95.33 Cooperative use of radio stations in the GMRS.

(a) *Licensees* (a licensee is the entity to which the license is issued) of radio stations in the GMRS may share the use of their stations with other entities eligible in the GMRS, subject to the following conditions and limitations.

(1) The station to be shared must be individually owned by the licensee, jointly owned by the participants and the licensee, leased individually by the licensee, or leased jointly by the participants and the licensee.

(2) The licensee must maintain access to and control over all stations authorized under its license.

(3) A station may be shared only:

(i) Without charge;

(ii) On a non-profit basis, with contributions to capital and operating expenses including the cost of mobile sta-

tions and paging receivers prorated equitably among all participants; or

(iii) On a reciprocal basis, i.e., use of one licensee's stations for the use of another licensee's stations without charge for either capital or operating expenses.

(4) All sharing arrangements must be conducted in accordance with a written agreement to be kept as part of the station records.

(b) [Reserved]

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998]

§ 95.45 Considerations on Department of Defense land and in other circumstances.

(a) The Department of Defense may impose additional restrictions on a station transmitting on its land. (Before placing a station at such a point, a licensee should consult with the commanding officer in charge of the land.)

(b) Additional restrictions may apply when a land station in a GMRS system is located near FCC field offices, near United States borders, in quiet zones, or when it may have a significant impact upon the environment. See §§ 1.923 and 1.924 of this chapter.

[63 FR 68975, Dec. 14, 1998]

§ 95.51 Antenna height.

(a) Certain antenna structures used in a GMRS system and that are more than 60.96 m (200 ft) in height, or are located near or at a public-use airport must be notified to the FAA and registered with the Commission as required by part 17 of this chapter.

(b) The antenna for a small base station or for a small control station must not be more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted.

[63 FR 68975, Dec. 14, 1998]

§ 95.101 What the license authorizes.

(a) A GMRS license authorizes a GMRS station to transmit messages to other GMRS stations at any geographical location within or over the territorial limits of any area where radio services are regulated by the FCC. These points are listed in Appendix A.

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(b) The license does not authorize operation as a common carrier or communication of messages for pay.

(c) If the licensee is a corporation and the license so indicates, it may use its GMRS system to furnish non-profit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary. Such use is not subject to the cooperative use provisions of § 95.33.

(d) For non-individual licensees, the license together with the system specifications for that license as maintained by the Commission represent the non-individual licensees' maximum authorized system.

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998; 64 FR 53242, Oct. 1, 1999]

§ 95.103 Licensee duties.

The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

[63 FR 68975, Dec. 14, 1998]

EDITORIAL NOTE: At 64 FR 53242, Oct. 1, 1999, § 95.103 was amended by revising paragraphs (a) and (b), effective Nov. 30, 1999. However, § 95.103, as revised at 63 FR 68975, Dec. 14, 1998, effective Feb. 12, 1999, does not contain paragraphs (a) and (b), and the revisions could not be made. For the convenience of the user, the revised text is set forth as follows:

§ 95.103 Licensee duties.

(a) The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

(b) The licensee may limit the use of repeater to only certain user stations.

* * * * *

§ 95.105 License term.

A license for a GMRS system is usually issued for a 5-year term.

[63 FR 68975, Dec. 14, 1998]

§ 95.115 Station inspection.

If an authorized FCC representative requests to inspect any station in a GMRS system, the licensee or station operator must make the station avail-

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able. If an authorized FCC representative requests to inspect the GMRS system records, the licensee must make them available.

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998]

§ 95.117 Where to contact the FCC.

Additional GMRS information may be obtained from any of the following sources:

(a) FCC National Call Center at 1-888-225-5322.

(b) FCC World Wide Web homepage: <http://www.fcc.gov/wtb/prs>.

(c) In writing, to the FCC, Attention: GMRS, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

[63 FR 68975, Dec. 14, 1998]

§ 95.119 Station identification.

(a) Except as provided in paragraph (e), every GMRS station must transmit a station identification:

(1) Following the transmission of communications or a series of communications; and

(2) Every 15 minutes during a long transmission.

(b) The station identification is the call sign assigned to the GMRS station or system.

(c) A unit number may be included after the call sign in the identification.

(d) The station identification must be transmitted in:

(1) Voice in the English language; or

(2) International Morse code telegraphy.

(e) A station need not identify its transmissions if it automatically retransmits communications from another station which are properly identified.

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998]

§ 95.129 Station equipment.

Every station in a GMRS system must use transmitters the FCC has certificated for use in the GMRS. Write to any FCC Field Office to find out if a particular transmitter has been certificated for the GMRS. All station equipment in a GMRS system must comply with the technical rules in part 95.

[63 FR 68975, Dec. 14, 1998]

§ 95.135 Maximum authorized transmitting power.

- (a) No station may transmit with more than 50 watts output power.
- (b) [Reserved]
- (c) A small control station at a point north of Line A or east of Line C must transmit with no more than 5 watts ERP.
- (d) A fixed station must transmit with no more than 15 watts output power.
- (e) A small base station must transmit with no more than 5 watts ERP.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47717, Nov. 25, 1988; 63 FR 68975, Dec. 14, 1998]

§ 95.139 Adding a small base station or a small control station.

- (a) Except for a GMRS system licensed to a non-individual, one or more small base stations or a small control station may be added to a GMRS system at any point where radio services are regulated by the FCC.
- (b) Non-individual licensees may not add any small base station or small control stations to their GMRS systems.

[53 FR 47717, Nov. 25, 1988, as amended at 63 FR 68976, Dec. 14, 1998]

§ 95.141 Interconnection prohibited.

No station in a GMRS system may be interconnected to the public switched telephone network except as and in accordance with the requirements and restrictions applied to a wireline control link (see § 95.127).

[53 FR 47717, Nov. 25, 1988]

§ 95.143 Managing a GMRS system in an emergency.

- (a) The stations in a GMRS system must cease transmitting when the station operator of any station on the same channel is communicating an *emergency message* (concerning the immediate protection of property or the safety of someone's life).
- (b) If necessary to communicate an emergency message from a station in a GMRS system, the licensee may permit:
 - (1) Anyone to be the station operator (see § 95.179); and

- (2) The station operator to communicate the emergency message to any radio station.

§ 95.171 Station operator duties.

When a GMRS station is transmitting, it must have a station operator. The station operator must be at the control point for that station. The same person may be the operator for more than one station at the same time. The station operator communicates messages and controls the station. The station operator must also cooperate in *sharing* each channel with station operators of other stations.

[63 FR 68976, Dec. 14, 1998]

§ 95.179 Individuals who may be station operators.

- (a) An individual GMRS system licensee may permit immediate family members to be station operators in his or her GMRS system. Immediate family members are the:
 - (1) Licensee;
 - (2) Licensee's spouse;
 - (3) Licensee's children, grandchildren, stepchildren;
 - (4) Licensee's parents, grandparents, stepparents;
 - (5) Licensee's brothers, sisters;
 - (6) Licensee's aunts, uncles, nieces, nephews; and
 - (7) Licensee's in-laws.
- (b) Only the following persons may be permitted to operate under the authority of a GMRS system licensed to a non-individual:

(1) If the GMRS system licensee is:	These persons may be station operators:
(i) A partnership	Licensee's partners and employees.
(ii) A corporation	Licensee's officers, directors, members and employees.
(iii) An association	Licensee's members and employees.
(iv) A governmental unit	Licensee's employees.

- (2) These persons may only communicate messages about the licensee's business activities. Employees of the licensee may communicate messages while acting within the scope of their employment, and only about the licensee's business activities.
- (c) The licensee may permit a telephone answering service employee to be a station operator if:

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(1) That employee only communicates messages received for the licensee to the licensee;

(2) The station equipment at the telephone answering point is not shared in any other GMRS system; and

(3) The station at the telephone answering service point is not interconnected to the public switched telephone network.

(d) The station operator of a GMRS system licensed to an individual may be a station operator in any other GMRS system if he/she has permission from the licensee of the other GMRS system.

(e) The provisions of § 95.33 regarding cooperative use do not apply to or govern the authority of a GMRS licensee to designate station operators in accordance with the provisions of this section.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47717, Nov. 25, 1988; 53 FR 51625, Dec. 22, 1988; 63 FR 68976, Dec. 14, 1998]

§ 95.181 Permissible communications.

(a) A station operator for an individual who is licensed in the GMRS (other than an employee of that individual) may communicate two-way voice messages concerning the licensee's personal or business activities (see § 95.179).

(b) [Reserved]

(c) A station operator for any entity other than an individual licensed in the GMRS may communicate two-way voice messages concerning the licensee's business activities (see § 95.179). An employee for an entity other than an individual licensed in the GMRS may, as a station operator, communicate two-way voice messages while acting within the scope of his/her employment.

(d) A station operator for any GMRS licensee may communicate two-way voice messages concerning:

(1) Emergencies (see § 95.143);

(2) Rendering assistance to a motorist; and

(3) Civil defense drills, if the responsible agency requests assistance.

(e) All messages must be in *plain language* (without codes or hidden meanings). They may be in a foreign language, except for call signs (see § 95.119).

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(f) A station operator may communicate tone messages for purposes of identification or transmitter control in a control link.

(g) A station operator may communicate a selective calling tone or tone operated squelch only in conjunction with a voice communication. If the tone is *subaudible* (300 Hertz or less) it may be communicated during the entire voice message. If the tone is *audible* (more than 300 Hertz) it may be communicated for no more than 15 seconds at a time.

(h) A station operator may communicate a one-way voice page to a paging receiver. A selective calling tone or tone operated squelch may be used in conjunction with a voice page, as prescribed in paragraph (g) of this section. A station operator may not communicate a *tone-only page* (tones communicated in order to find, summon or notify someone).

[48 FR 35237, Aug. 3, 1983, as amended at 49 FR 4003, Feb. 1, 1984; 56 FR 13289, Apr. 1, 1991; 63 FR 68976, Dec. 14, 1998]

§ 95.183 Prohibited communications.

(a) A station operator must not communicate:

(1) Messages for hire, whether the remuneration received is direct or indirect;

(2) Messages in connection with any activity which is against Federal, State, or local law;

(3) False or deceptive messages;

(4) Coded messages or messages with hidden meanings ("10 codes" are permissible);

(5) Intentional interference;

(6) Music, whistling, sound effects or material to amuse or entertain;

(7) Obscene, profane or indecent words, language or meaning;

(8) Advertisements or offers for the sale of goods or services;

(9) Advertisements for a political candidate or political campaign (messages about the campaign business may be communicated);

(10) International distress signals, such as the word "Mayday" (except when on a ship, aircraft or other vehicle in immediate danger to ask for help);

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(11) Programs (live or delayed) intended for radio or television station broadcast;

(12) Messages which are both conveyed by a wireline control link and transmitted by a GMRS station;

(13) Messages (except emergency messages) to any station in the Amateur Radio Service, to any unauthorized station, or to any foreign station;

(14) Continuous or uninterrupted transmissions, except for communications involving the immediate safety of life or property;

(15) Messages for public address systems.

(b) A station operator in a GMRS system licensed to a telephone answering service must not transmit any communications to customers of the telephone answering service.

[63 FR 68976, Dec. 14, 1998]

APPENDIX A TO SUBPART A TO PART 95— LOCATIONS WHERE GMRS IS REGULATED BY THE FCC

In ITU Region 2, the GMRS is regulated by the Commission 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 GMRS is regulated by the Commission 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).

[63 FR 68976, Dec. 14, 1998]

Subpart B—Family Radio Service (FRS)

SOURCE: 61 FR 28768, June 6, 1996, unless otherwise noted.

GENERAL PROVISIONS

§ 95.191 (FRS Rule 1) Eligibility and responsibility.

(a) Unless you are a representative of a foreign government, you are authorized by this rule to operate an FCC cer-

tified FRS unit in accordance with the rules in this subpart. No license will be issued.

(b) You are responsible for all communications that you make with the FRS unit. You must share each channel with other users. No channel is available for the private or exclusive use of any user.

§ 95.192 (FRS Rule 2) Authorized locations.

(a) Provided that you comply with these rules, you are authorized to operate an FRS unit:

(1) Within or over any area of the world where radio services are regulated by the FCC (this area includes the fifty United States and the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands (50 islets and cays), American Samoa (seven islands), the Commonwealth of Northern Mariana Islands, and Guam Island);

(2) Within or over any other area of the world, except within or over the territorial limits of areas where radio services are regulated by an agency of the United States other than the FCC or any foreign government (you are subject to its rules);

(3) Aboard any vessel or aircraft registered in the United States, with the permission of the captain, that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters;

(4) or; Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters.

(5) You must operate the FRS unit only according to any applicable treaty to which the United States is a party. The FCC will make public notice of any such conditions.

(b)-(c) [Reserved]

(d) Anyone intending to operate an FRS unit on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra in a manner that could pose an interference threat to the Arecibo Observatory shall notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in

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writing or electronically, of the location of the unit. Operators may wish to consult interference guidelines, which will be provided by Cornell University. Operators who choose to transmit information electronically should e-mail to: prcz@naic.edu.

(1) The notification to the Interference Office, Arecibo Observatory shall be made 45 days prior to commencing operation of the unit. The notification shall state the geographical coordinates of the unit.

(2) After receipt of such notifications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections. The operator will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory. If the Commission determines that an operator has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, the unit may be allowed to operate.

[61 FR 28768, June 6, 1996, as amended at 62 FR 55535, Oct. 27, 1997; 63 FR 68976, Dec. 14, 1998]

§ 95.193 (FRS Rule 3) Types of communications.

(a) You may use an FRS unit to conduct two-way voice communications with another person. You may use the FRS unit to transmit one-way communications with another person, send an emergency message, provide traveler assistance, make a voice page, or to conduct a brief test.

(b) The FRS unit may transmit tones to make contact or to continue communications with a particular FRS unit. If the tone is audible (more than 300 Hertz), it must last no longer than 15 seconds at one time. If the tone is subaudible (300 Hertz or less), it may be transmitted continuously only while you are talking.

(c) You must not use an FRS unit in connection with any activity which is against federal, state or local law.

(d) You must, at all times and on all channels, give priority to emergency communication messages concerning the immediate safety of life or the immediate protection of property.

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(e) No FRS unit may be interconnected to the public switched network.

§ 95.194 (FRS Rule 4) FRS units.

(a) You may only use an FCC certified FRS unit. (You can identify an FCC certified FRS unit by the label placed on it by the manufacturer.)

(b) You must not make, or have made, any internal modification to an FRS unit. Any internal modification cancels the FCC certification and voids your authority to operate the unit in the FRS.

(c) You may not attach any antenna, power amplifier, or other apparatus to an FRS unit that has not been FCC certified as part of that FRS unit. There are no exceptions to this rule and attaching any such apparatus to a FRS unit cancels the FCC certification and voids everyone's authority to operate the unit in the FRS.

Subpart C—Radio Control (R/C) Radio Service

SOURCE: 48 FR 24890, June 3, 1983, unless otherwise noted.

GENERAL PROVISIONS

§ 95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?

The R/C Service is a private, one-way, short distance non-voice communications service for the operation of devices at remote locations.

§ 95.202 (R/C Rule 2) How do I use these rules?

(a) You must comply with rules (see R/C Rule 18, § 95.218, for the penalties for violations) when you operate a station in the R/C service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see R/C Rule 5, § 95.205);

(2) Aboard any vessel or aircraft registered in the United States; or

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) Your R/C station must comply with technical rules found in subpart E of part 95.

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(c) Where the rules use the word “you”, “you” means a person operating an R/C station.

(d) Where the rules use the word “person,” the rules are concerned with an individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

(e) Where the rules use the term “FCC,” that means the Federal Communications Commission.

(f) Where the rules use the term “R/C station,” that means a radio station transmitting in the R/C Radio Service.

§ 95.203 (R/C Rule 3) Am I eligible to operate an R/C station?

You are authorized to operate an R/C station unless:

(a) You are a foreign government, a representative of a foreign government, or a federal government agency; or

(b) The FCC has issued a cease and desist order to you, and the order is still in effect.

§ 95.204 (R/C Rule 4) Do I need a license?

You do not need an individual license to operate an R/C station. You are authorized by this rule to operate your R/C station in accordance with the rules in this subpart.

§ 95.205 (R/C Rule 5) Where may I operate my R/C station?

You are authorized to operate your R/C station from:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

- (1) The fifty United States
- (2) The District of Columbia

Caribbean Insular areas

- (3) Commonwealth of Puerto Rico
- (4) Navassa Island
- (5) United States Virgin Islands (50 islets and cays)

Pacific Insular areas

- (6) American Samoa (seven islands)
- (7) Baker Island
- (8) Commonwealth of Northern Mariana Islands

- (9) Guam Island
- (10) Howland Island
- (11) Jarvis Island
- (12) Johnston Island (Islets East, Johnston, North and Sand)
- (13) Kingman Reef
- (14) Midway Island (Islets Eastern and Sand)
- (15) Palmyra Island (more than 50 islets)
- (16) Wake Island (Islets Peale, Wake and Wilkes)

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your R/C station according to any applicable treaty to which the United States is a party.

§ 95.206 (R/C Rule 6) Are there any special restrictions on the location of my R/C station?

(a) If your R/C station is located on premises controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your R/C station will be constructed on an environmental sensitive site, or will be operated in such a manner as to raise environmental problems, under § 1.1307 of this chapter, you must provide an environmental assessment, as set forth in § 1.1311 of this chapter, and undergo environmental review § 1.1312 of this chapter, before commencement of construction.

(c) Anyone intending to operate an R/C station on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra in a manner that could pose an interference threat to the Arecibo Observatory shall notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the location of the unit. Operators may wish to

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consult interference guidelines, which will be provided by Cornell University. Operators who choose to transmit information electronically should e-mail to: prcz@naic.edu.

(1) The notification to the Interference Office, Arecibo Observatory shall be made 45 days prior to commencing operation of the unit. The notification shall state the geographical coordinates of the unit.

(2) After receipt of such notifications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections. The operator will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory. If the Commission determines that an operator has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, the unit may be allowed to operate.

[48 FR 24890, June 3, 1983, as amended at 55 FR 20398, May 16, 1990; 62 FR 55535, Oct. 27, 1997]

HOW TO OPERATE AN R/C STATION

§ 95.207 (R/C Rule 7) On what channels may I operate?

(a) Your R/C station may transmit only on the following channels (frequencies):

(1) The following channels may be used to operate any kind of device (any object or apparatus, except an R/C transmitter), including a model aircraft device (any small imitation of an aircraft) or a model surface craft device (any small imitation of a boat, car or vehicle for carrying people or objects, except aircraft): 26.995, 27.045, 27.095, 27.145, 27.195 and 27.255 MHz.

(2) The following channels may only be used to operate a model aircraft device:

MHZ	
72.01	72.21
72.03	72.23
72.05	72.25
72.07	72.27
72.09	72.29
72.11	72.31
72.13	72.33
72.15	72.35
72.17	72.37
72.19	72.39

72.41	72.71
72.43	72.73
72.45	72.75
72.47	72.77
72.49	72.79
72.51	72.81
72.53	72.83
72.55	72.85
72.57	72.87
72.59	72.89
72.61	72.91
72.63	72.93
72.65	72.95
72.67	72.97
72.69	72.99

(3) The following channels may only be used to operate a model surface craft devices:

MHZ	
75.41	75.71
75.43	75.73
75.45	75.75
75.47	75.77
75.49	75.79
75.51	75.81
75.53	75.83
75.55	75.85
75.57	75.87
75.59	75.89
75.61	75.91
75.63	75.93
75.65	75.95
75.67	75.97
75.69	75.99

(b) You must share the channels with other R/C stations. You must cooperate in the selection and use of the channels. You must share the Channel 27.255 MHz with stations in other radio services. There is no protection from interference on any of these channels.

(c) Your R/C station may not transmit simultaneously on more than one channel in the 72-76 MHz band when your operation would cause harmful interference to the operation of other R/C stations.

(d) Your R/C station must stop transmitting if it interferes with:

(1) Authorized radio operations in the 72-76 MHz band; or

(2) Television reception on TV Channels 4 or 5.

(e) [Reserved]

(f) Stations in the 26-27 MHz range are not afforded any protection from interference caused by the operation of industrial, scientific or medical devices. Such stations also operate on a

shared basis with other stations in the Personal Radio Services.

(g) Stations in the 72–76 MHz range are subject to the condition that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies or to the reception of television transmissions on Channels 4 and 5. These frequencies are not afforded any protection from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies.

[48 FR 24890, June 3, 1983. Redesignated at 49 FR 6098, Feb. 17, 1984, and amended at 50 FR 37857, Sept. 18, 1985; 52 FR 16263, May 4, 1987; 57 FR 40343, Sept. 3, 1992]

§ 95.208 (R/C Rule 8) How high may I put my antenna?

(a) *Antenna* means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your R/C station is located near an airport, and if you antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your R/C station is near an airport, you may contact the nearest FCC field office for a worksheet to help you figure the maximum allowable height of your antenna. Consult part 17

of the FCC’s Rules for more information.

WARNING: Installation and removal of R/C station antennas near powerlines is dangerous. For your safety, follow the installation directions included with your antenna.

[48 FR 24890, June 3, 1983, as amended at 48 FR 41416, Sept. 15, 1983]

§ 95.209 (R/C Rule 9) What equipment may I use at my R/C station?

(a) Your R/C station may transmit only with:

(1) An FCC certificated R/C transmitter (certificated means the FCC has determined that certain radio equipment is capable of meeting recommended standards for operation); or

(2) A non-certificated R/C transmitter on Channels 26.995–27.255 MHz if it complies with the technical standards (see part 95, subpart E).

(3) Use of a transmitter outside of the band 26.955–27.255 MHz which is not certificated voids your authority to operate the station. Use of a transmitter in the band 26.995–27.255 MHz which does not comply with the technical standards voids your authority to operate the station.

(b) You may examine a list of certificated transmitters at any FCC field office.

(c) Your R/C station may transmit with a transmitter assembled from a kit.

(d) You must not make, or have made, any internal modification to a certificated transmitter. (See R/C Rule 22.) Any internal modification to a certificated transmitter cancels the certification, and use of such a transmitter voids your authority to operate the station.

[63 FR 36610, July 7, 1998]

§ 95.210 (R/C Rule 10) How much power may I use?

(a) Your R/C station transmitter power output must not exceed the following value under any conditions:

Channel	Transmitter power (carrier power) (watts)
27.255 MHz	25
26.995–27.195 MHz	4

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Channel	Transmitter power (carrier power) (watts)
72-76 MHz	0.75

transmissions which are not intended to establish communications with another station.)

(b) You may only use your R/C station for the following purposes:

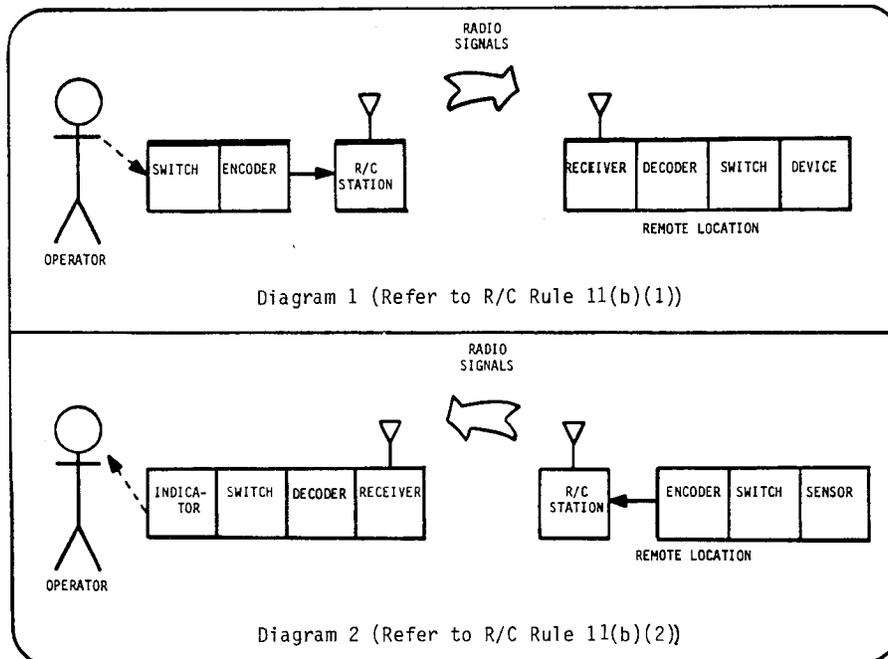
(1) The operator turns on and/or off a device at a remote location (Refer to Diagram 1); or

(2) A sensor at a remote location turns on and/off an indicating device for the operator. (Refer to Diagram 2). Only Channels 26.995 to 27.255 MHz (see R/C Rule 7, §95.207(a)(1)) may be used for this purpose. (A remote location means a place distant from the operator.)

(b) Use of a transmitter which has power output in excess of that authorized voids your authority to operate the station.

§ 95.211 (R/C Rule 11) What communications may be transmitted?

(a) You may only use your R/C station to transmit one-way communications. (One-way communications are



(c) Your R/C station may transmit any appropriate non-voice emission.

[48 FR 24890, June 3, 1983, as amended at 50 FR 37857, Sept. 18, 1985; 57 FR 40343, Sept. 3, 1992]

§ 95.212 (R/C Rule 12) What communications are prohibited?

You must not use an R/C station—

(a) In connection with any activity which is against federal, state or local law;

(b) To transmit any message other than for operation of devices at remote locations (no voice, telegraphy, etc.);

(c) To intentionally interfere with another station's transmissions;

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(d) To operate another R/C transmitter by remote control (See R/C Rule 17, §95.217); or

(e) To transmit two-way communications.

(f) To transmit data. Tone or other signal encoding, however, is not considered to be data when only used either for the purpose of identifying the specific device among multiple devices that the operator intends to turn on/off, or the specific sensor among multiple sensors intended to turn on/off indicating device for the operator.

[48 FR 24890, June 3, 1983, as amended at 54 FR 8336, Feb. 28, 1989; 54 FR 20476, May 11, 1989]

§ 95.213 (R/C Rule 13) May I be paid to use my R/C station?

(a) You may not accept direct or indirect payment for transmitting with an R/C station.

(b) You may use an R/C station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the R/C station.

§ 95.214 (R/C Rule 14) Who is responsible for R/C communications I make?

You are responsible for all communications which are made by you from an R/C station.

§ 95.215 (R/C Rule 15) Do I have to limit the length of my communications?

(a) You must limit your R/C communications to the minimum practical time.

(b) The only time your R/C communications may be a continuous signal for more than 3 minutes is when operation of the device requires at least one or more changes during each minute of the communications.

(c) Your R/C station may transmit a continuous signal without modulation only if:

(1) You are using it to operate a model aircraft device; and

(2) The presence or absence of the signal operates the device.

(d) If you show that you need a continuous signal to insure the immediate safety of life or property, the FCC may

make an exception to the limitations in this rule.

§ 95.216 (R/C Rule 16) Do I identify my R/C communications?

You need not identify your R/C communications.

§ 95.217 (R/C Rule 17) May I operate my R/C station transmitter by remote control?

(a) You may not operate an R/C transmitter by radio remote control. (See R/C Rule 12, §95.212.)

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. If you receive FCC approval, you must keep the approval as part of your station records. See R/C Rule 24, §95.224.

(c) Remote control means operation of an R/C transmitter from any place other than the location of the R/C transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicles as the R/C transmitter is not considered remote control.

[48 FR 24890, June 3, 1983, as amended at 63 FR 68976, Dec. 14, 1998]

OTHER THINGS YOU NEED TO KNOW

§ 95.218 (R/C Rule 18) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as \$10,000 for each violation, up to a total of \$75,000. (See Section 503(b) of the Communications Act.)

(b) If the FCC finds that you have violated any section of the Communications Act or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See section 312(b) of the Communications Act.)

(c) If a federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to \$500 for each day you committed the violation. (See section 502 of the Communications Act.)

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(d) If a Federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to \$10,000, or you may be imprisoned for one year, or both. (See section 501 of the Communications Act.)

[48 FR 24890, June 3, 1983, as amended at 57 FR 40343, Sept. 3, 1992]

§ 95.219 (R/C Rule 19) How do I answer correspondence from the FCC?

(a) If it appears to the FCC that you have violated the Communications Act or FCC rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and

(3) The name of the person operating at the time of the apparent violation.

(c) If the FCC send you a letter asking you questions about your R/C radio station or its operation, you must answer each of the questions with a complete written statement within the time period stated in the letter.

(d) You must not shorten your answer by references to other communications or notices.

(e) You must send your answer to the FCC office which sent you the notice.

(f) You must keep a copy of your answer in your station records (see R/C Rule 24, § 95.224).

§ 95.220 (R/C Rules 20) What must I do if the FCC tells me that my R/C station is causing interference?

(a) If the FCC tells you that your R/C station is causing interference for technical reasons, you must follow all instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of R/C station operation which may be included in the official FCC notice.

§ 95.221 (R/C Rule 21) How do I have my R/C transmitter serviced?

(a) You may adjust an antenna to your R/C transmitter and you may make radio checks. (A radio check means a one-way transmission for a short time in order to test the transmitter.)

(b) You are responsible for the proper operation of the station at all times and are expected to provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation. Each internal repair and each internal adjustment to an FCC certificated R/C transmitter (see R/C Rule 9) must be made in accord with the Technical Regulations (see subpart E). The internal repairs or internal adjustments should be performed by or under the immediate supervision and responsibility of a person certified as technically qualified to perform transmitter maintenance and repair duties in the private land mobile services and fixed services by an organization or committee representative of users in those services.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of an R/C transmitter in which signals are transmitted must be made using a non-radiating (“dummy”) antenna.

(d) Brief test signals (signals not longer than one minute during any five minute period) using a radiating antenna may be transmitted in order to:

(1) Adjust a transmitter to an antenna;

(2) Detect or measure radiation of energy other than the intended signal; or

(3) Tune a receiver to your R/C transmitter.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and sec. 553 of the Administrative Procedures Act, 5 U.S.C. 553)

[48 FR 24890, June 3, 1983, as amended at 49 FR 20673, May 16, 1984; 63 FR 36610, July 7, 1998]

§ 95.222 (R/C Rule 22) May I make any changes to my R/C station transmitter?

(a) You must not make or have anyone else make an internal modification to your R/C transmitter.

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(b) Internal modification does not include:

(1) Repair or servicing of an R/C station transmitter (see R/C Rule 21, §95.221); or

(2) Changing plug-in modules which were certificated as part of your R/C transmitter.

(c) You must not operate an R/C transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power. (See R/C Rules 9 and 10, §§ 95.209 and 95.210.)

[48 FR 24894, June 3, 1983, as amended at 63 FR 36610, July 7, 1998]

§ 95.223 (R/C Rule 23) Do I have to make my R/C station available for inspection?

(a) If an authorized FCC representative requests to inspect your R/C station, you must make your R/C station and records available for inspection.

(b) An R/C station includes all of the radio equipment you use.

§ 95.224 (R/C Rule 24) What are my station records?

Your station records include the following documents, as applicable:

(a) A copy of each response to an FCC violation notice or an FCC letter. (See R/C Rule 19, §95.219.)

(b) Each written permission received from the FCC. (See R/C Rule 17.)

§ 95.225 (R/C Rule 25) How do I contact the FCC?

(a) FCC National Call Center at 1-888-225-5322.

(b) FCC World Wide Web homepage: <http://www.fcc.gov>.

(c) In writing, to FCC, Attention: R/C, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

[63 FR 68976, Dec. 14, 1998]

Subpart D—Citizens Band (CB) Radio Service

SOURCE: 48 FR 24894, June 3, 1983, unless otherwise noted.

GENERAL PROVISIONS

§ 95.401 (CB Rule 1) What are the Citizens Band Radio Services?

The Citizens Band Radio Services are:

(a) The Citizens Band (CB) Radio Service—a private, two-way, short-distance voice communications service for personal or business activities of the general public. The CB Radio Service may also be used for voice paging.

(b) The Family Radio Service (FRS)—a private, two-way, very short-distance voice communications service for facilitating family and group activities. The rules for this service are contained in subpart B of this part.

(c) The Low Power Radio Service (LPRS)—a private, short-distance communication service providing auditory assistance to persons with disabilities, persons who require language translation, and persons in educational settings, health care assistance to the ill, law enforcement tracking services in cooperation with law enforcement, and point-to-point network control communications for Automated Marine Telecommunications System (AMTS) coast stations licensed under part 80 of this chapter. The rules for this service are listed under subpart G of this part. Two-way voice communications are prohibited.

(d) The Medical Implant Communications Service (MICS)—an ultra-low power radio service for the transmission of non-voice data for the purpose of facilitating diagnostic and/or therapeutic functions involving implanted medical devices. The rules for this service are contained in subpart I of this part.

(e) The Wireless Medical Telemetry Service (WMTS)—a private, short distance data communication service for the transmission of patient medical information to a central monitoring location in a hospital or other medical facility. Voice and video communications are prohibited. Waveforms such as electrocardiograms (ECGs) are not considered video. The rules for this

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service are contained in subpart H of this part.

[61 FR 28769, June 6, 1996, as amended at 61 FR 46566, Sept. 4, 1996; 64 FR 69929, Dec. 15, 1999; 65 FR 44008, July 17, 2000; 65 FR 53190, Sept. 1, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, (corrected at 65 FR 53190, Sept. 1, 2000), in § 95.401, paragraph (e) was added, effective Oct. 16, 2000.

§ 95.402 (CB Rule 2) How do I use these rules?

(a) You must comply with these rules (See CB Rule 21 § 95.421, for the penalties for violations) when you operate a station in the CB Service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see CB Rule 5, § 95.405);

(2) Aboard any vessel or aircraft registered in the United States; or

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) Your CB station must comply with technical rules found in subpart E of part 95.

(c) Where the rules use the word “you”, “you” means a person operating a CB station.

(d) Where the rules use the word “person,” the rules are concerned with an individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

(e) Where the rules use the term “FCC”, that means the Federal Communications Commission.

(f) Where the rules use the term “CB station”, that means a radio station transmitting in the CB Radio Service.

§ 95.403 (CB Rule 3) Am I eligible to operate a CB station?

You are authorized to operate a CB station unless:

(a) You are a foreign government, a representative of a foreign government, or a federal government agency; or

(b) The FCC has issued a cease and desist order to you, and the order is still in effect.

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§ 95.404 (CB Rule 4) Do I need a license?

You do not need an individual license to operate a CB station. You are authorized by this rule to operate your CB station in accordance with the rules in this subpart.

§ 95.405 (CB Rule 5) Where may I operate my CB station?

You are authorized to operate your CB station from:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

- (1) The fifty United States.
- (2) The District of Columbia.

Caribbean Insular areas

- (3) Commonwealth of Puerto Rico.
- (4) Navassa Island.
- (5) United States Virgin Islands (50 islets and cays).

Pacific Insular areas

- (6) American Samoa (seven islands).
- (7) Baker Island.
- (8) Commonwealth of Northern Mariana Islands.
- (9) Guam Island.
- (10) Howland Island.
- (11) Jarvis Island.
- (12) Johnston Island (Islets East, Johnston, North and Sand).
- (13) Kingman Reef.
- (14) Midway Island (Islets Eastern and Sand).
- (15) Palmyra Island (more than 50 islets).
- (16) Wake Island (Islets Peale, Wake and Wilkes).

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your CB station according to

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any applicable treaty to which the United States is a party.

(d) Anyone intending to operate a CB station on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra in a manner that could pose an interference threat to the Arecibo Observatory shall notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the location of the unit. Operators may wish to consult interference guidelines, which will be provided by Cornell University. Operators who choose to transmit information electronically should e-mail to: prcz@naic.edu.

(1) The notification to the Interference Office, Arecibo Observatory shall be made 45 days prior to commencing operation of the unit. The notification shall state the geographical coordinates of the unit.

(2) After receipt of such notifications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections. The operator will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory. If the Commission determines that an operator has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, the unit may be allowed to operate.

[48 FR 24894, June 3, 1983, as amended at 62 FR 55535, Oct. 27, 1997]

§ 95.406 (CB Rule 6) Are there any special restrictions on the location of my CB station?

(a) If your CB station is located on premises controlled by the Department of Defense you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your C/B station will be constructed on an environmentally sensitive site, or will be operated in such a manner as to raise environmental problems, under § 1.1307 of this chapter, you must provide an environmental assessment, as set forth in § 1.1311 of this chapter, and undergo the environ-

mental review, § 1.1312 of this chapter, before commencement of construction.

[48 FR 24894, June 3, 1983, as amended at 55 FR 20398, May 16, 1990]

HOW TO OPERATE A CB STATION

§ 95.407 (CB Rule 7) On what channels may I operate?

(a) Your CB station may transmit only on the following channels (frequencies):

Channel	Frequency (megahertz—MHz)
1	26.965
2	26.975
3	26.985
4	27.005
5	27.015
6	27.025
7	27.035
8	27.055
9	¹ 27.065
10	27.075
11	27.085
12	27.105
13	27.115
14	27.125
15	27.135
16	27.155
17	27.165
18	27.175
19	27.185
20	27.205
21	27.215
22	27.225
23	27.255
24	27.235
25	27.245
26	27.265
27	27.275
28	27.285
29	27.295
30	27.305
31	27.315
32	27.325
33	27.335
34	27.345
35	27.355
36	27.365
37	27.375
38	27.385
39	27.395
40	27.405

¹ See paragraph (b) of this section.

(b) Channel 9 may be used only for emergency communications or for traveler assistance.

(c) You must, at all times and on all channels, give priority to emergency communication messages concerning the immediate safety of life or the immediate protection of property.

(d) You may use any channel for emergency communications or for traveler assistance.

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(e) You must share each channel with other users.

(f) The FCC will not assign any channel for the private or exclusive use of any particular CB station or group of stations.

(g) The FCC will not assign any channel for the private or exclusive use of CB stations transmitting single side-band or AM.

§ 95.408 (CB Rule 8) How high may I put my antenna?

(a) *Antenna* means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your CB station is located near an airport, and if you antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your CB station is near an airport, you may contact the nearest FCC field office for a worksheet to help you figure the maximum allowable height of your antenna. Consult part 17 of the FCC's Rules for more information.

WARNING: Installation and removal of CB station antennas near powerlines is dangerous. For your safety, follow the installation directions included with your antenna.

[48 FR 24894, June 3, 1983, as amended at 48 FR 41416, Sept. 15, 1983]

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§ 95.409 (CB Rule 9) What equipment may I use at my CB station?

(a) You must use an FCC certificated CB transmitter at your CB station. You can identify an FCC certificated transmitter by the certification label placed on it by the manufacturer. You may examine a list of certificated equipment at any FCC Field Office or at FCC Headquarters. Use of a transmitter which is not FCC certificated voids your authority to operate the station.

(b) You must not make, or have made, any internal modification to a certificated CB transmitter. (See CB Rule 25, §95.425). Any internal modification to a certificated CB transmitter cancels the certification, and use of such a transmitter voids your authority to operate the station.

[48 FR 24894, June 3, 1983, as amended at 63 FR 36610, July 7, 1998]

§ 95.410 (CB Rule 10) How much power may I use?

(a) Your CB station transmitter power output must not exceed the following values under any conditions:

AM (A3)—4 watts (carrier power) SSB—12 watts (peak envelope power)

(b) If you need more information about the power rule, see the technical rules in subpart E of part 95.

(c) Use of a transmitter which has carrier or peak envelope power in excess of that authorized voids your authority to operate the station.

§ 95.411 (CB Rule 11) May I use power amplifiers?

(a) You may not attach the following items (power amplifiers) to your certificated CB transmitter in any way:

(1) External radio frequency (RF) power amplifiers (sometimes called linears or linear amplifiers); or

(2) Any other devices which, when used with a radio transmitter as a signal source, are capable of amplifying the signal.

(b) There are no exceptions to this rule and use of a power amplifier voids your authority to operate the station.

(c) The FCC will presume you have used a linear or other external RF power amplifier if—

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(1) It is in your possession or on your premises; and

(2) There is other evidence that you have operated your CB station with more power than allowed by CB Rule 10, §95.410.

(d) Paragraph (c) of this section does not apply if you hold a license in another radio service which allows you to operate an external RF power amplifier.

[48 FR 24894, June 3, 1983, as amended at 63 FR 36610, July 7, 1998]

§95.412 (CB Rule 12) What communications may be transmitted?

(a) You may use your CB station to transmit two-way plain language communications. Two-way plain language communications are communications without codes or coded messages. Operating signals such as "ten codes" are not considered codes or coded messages. You may transmit two-way plain language communications only to other CB stations, to units of your own CB station or to authorized government stations on CB frequencies about—

(1) Your personal or business activities or those of members of your immediate family living in your household;

(2) Emergencies (see CB Rule 18, §95.418);

(3) Traveler assistance (see CB Rule 18, §95.418); or

(4) Civil defense activities in connection with official tests or drills conducted by, or actual emergencies announced by, the civil defense agency with authority over the area in which your station is located.

(b) You may use your CB station to transmit a tone signal only when the signal is used to make contact or to continue communications. (Examples of circuits using these signals are tone operated squelch and selective calling circuits.) If the signal is an audible tone, it must last no longer than 15 seconds at one time. If the signal is a subaudible tone, it may be transmitted continuously only as long as you are talking.

(c) You may use your CB station to transmit one-way communications (messages which are not intended to establish communications between two or more particular CB stations) only

for emergency communications, traveler assistance, brief tests (radio checks) or voice paging.

§95.413 (CB Rule 13) What communications are prohibited?

(a) You must not use a CB station—

(1) In connection with any activity which is against federal, state or local law;

(2) To transmit obscenity, indecent or profane words, language or meaning;

(3) To interfere intentionally with the communications of another CB station;

(4) To transmit one-way communications, except for emergency communications, traveler assistance, brief tests (radio checks), or voice paging;

(5) To advertise or solicit the sale of any goods or services;

(6) To transmit music, whistling, sound effects or any material to amuse or entertain;

(7) To transmit any sound effect solely to attract attention;

(8) To transmit the word "MAYDAY" or any other international distress signal, except when your station is located in a ship, aircraft or other vehicle which is threatened by grave and imminent danger and you are requesting immediate assistance;

(9) To communicate with, or attempt to communicate with, any CB station more than 250 kilometers (155.3 miles) away;

(10) To advertise a political candidate or political campaign; (you may use your CB radio for the business or organizational aspects of a campaign, if you follow all other applicable rules);

(11) To communicate with stations in other countries, except General Radio Service stations in Canada; or

(12) To transmit a false or deceptive communication.

(b) You must not use a CB station to transmit communications for live or delayed rebroadcast on a radio or television broadcast station. You may use your CB station to gather news items or to prepare programs.

§95.414 (CB Rule 14) May I be paid to use my CB station?

(a) You may not accept direct or indirect payment for transmitting with a CB station.

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(b) You may use a CB station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the CB station.

§ 95.415 (CB Rule 15) Who is responsible for communications I make?

You are responsible for all communications which are made by you from a CB station.

§ 95.416 (CB Rule 16) Do I have to limit the length of my communications?

(a) You must limit your CB communications to the minimum practical time.

(b) If you are communicating with another CB station or stations, you, and the stations communicating with you, must limit each of your conversations to no more than five continuous minutes.

(c) At the end of your conversation, you, and the stations communicating with you, must not transmit again for at least one minute.

§ 95.417 (CB Rule 17) Do I identify my CB communications?

(a) You need not identify your CB communications.

(b) [You are encouraged to identify your CB communications by any of the following means:

- (1) Previously assigned CB call sign;
- (2) K prefix followed by operator initials and residence zip code;
- (3) Name; or
- (4) Organizational description including name and any applicable operator unit number.]

(c) [You are encouraged to use your "handle" only in conjunction with the methods of identification listed in paragraph (b) of this section.]

§ 95.418 (CB Rule 18) How do I use my CB station in an emergency or to assist a traveler?

(a) You must at all times and on all channels, give priority to emergency communications.

(b) When you are directly participating in emergency communications, you do not have to comply with the rule about length of transmissions (CB Rule 16, §95.416). You must obey all other rules.

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(c) You may use your CB station for communications necessary to assist a traveler to reach a destination or to receive necessary services. When you are using your CB station to assist a traveler, you do not have to obey the rule about length of transmissions (CB Rule 16, §95.416). You must obey all other rules.

(d) You may use your CB station to transmit one-way communications concerning highway conditions to assist travelers.

[48 FR 24894, June 3, 1983, as amended at 57 FR 22442, May 28, 1992]

§ 95.419 (CB Rule 19) May I operate my CB station transmitter by remote control?

(a) You may not operate a CB station transmitter by radio remote control.

(b) You may operate a CB transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. If you receive FCC approval, you must keep the approval as part of your station records. See CB Rule 27, §95.427.

(c) Remote control means operation of a CB transmitter from any place other than the location of the CB transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the CB transmitter is not considered remote control.

[48 FR 24894, June 3, 1983, as amended at 57 FR 40343, Sept. 3, 1992; 63 FR 68976, Dec. 14, 1998]

§ 95.420 (CB Rule 20) May I connect my CB station transmitter to a telephone?

(a) You may connect your CB station transmitter to a telephone if you comply with all of the following:

- (1) You or someone else must be present at your CB station and must—
 - (i) Manually make the connection (the connection must not be made by remote control);
 - (ii) Supervise the operation of the transmitter during the connection;
 - (iii) Listen to each communication during the connection; and

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(iv) Stop all communications if there are operations in violation of these rules.

(2) Each communication during the telephone connection must comply with all of these rules.

(3) You must obey any restriction that the telephone company places on the connection of a CB transmitter to a telephone.

(b) The CB transmitter you connect to a telephone must not be shared with any other CB station.

(c) If you connect your CB transmitter to a telephone, you must use a phone patch device with has been registered with the FCC.

OTHER THINGS YOU NEED TO KNOW

§ 95.421 (CB Rule 21) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as \$10,000 for each violation, up to a total of \$75,000. (See section 503(b) of the Communications Act.)

(b) If the FCC finds that you have violated any section of the Communications Act or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See section 312(b) of the Communications Act.)

(c) If a Federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to \$500 for each day you committed the violation. (See section 502 of the Communications Act.)

(d) If a Federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to \$10,000 or you may be imprisoned for one year, or both. (See section 501 of the Communications Act.)

[48 FR 24894, June 3, 1983, as amended at 57 FR 40343, Sept. 3, 1992]

§ 95.422 (CB Rule 22) How do I answer correspondence from the FCC?

(a) If it appears to the FCC that you have violated the Communications Act or these rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and

(3) The name of the person operating at the time of the apparent violation.

(c) If the FCC sends you a letter asking you questions about your CB radio station or its operation, you must answer each of the questions with a complete written statement within the time period stated in the letter.

(d) You must not shorten your answer by references to other communications or notices.

(e) You must send your answer to the FCC office which sent you the notice.

(f) You must keep a copy of your answer in your station records. (See CB Rule 27, §95.427.)

§ 95.423 (CB Rule 23) What must I do if the FCC tells me that my CB station is causing interference?

(a) If the FCC tells you that your CB station is causing interference for technical reasons you must follow all instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of CB station operation which may be included in the official notice.

§ 95.424 (CB Rule 24) How do I have my CB station transmitter serviced?

(a) You may adjust an antenna to your CB transmitter and you may make radio checks. (A radio check means a one way transmission for a short time in order to test the transmitter.)

(b) You are responsible for the proper operation of the station at all times and are expected to provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation. You must have all internal repairs or internal adjustments to your CB transmitter made in accordance with the Technical Regulations (see subpart E). The internal repairs or internal adjustments should be performed by or under the immediate

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supervision and responsibility of a person certified as technically qualified to perform transmitter maintenance and repair duties in the private land mobile services and fixed services by an organization or committee representative of users in those services.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of a CB transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals (signals not longer than one minute during any five minute period) using a radiating antenna may be transmitted in order to:

- (1) Adjust an antenna to a transmitter;
- (2) Detect or measure radiation of energy other than the intended signal; or
- (3) Tune a receiver to your CB transmitter.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and sec. 553 of the Administrative Procedures Act, 5 U.S.C. 553)

[48 FR 24894, June 3, 1983, as amended at 49 FR 20673, May 16, 1984]

§ 95.425 (CB Rule 25) May I make any changes to my CB station transmitter?

(a) You must not make or have any one else make any internal modification to your CB transmitter.

(b) Internal modification does not include:

- (1) Repair or servicing of a CB station transmitter (see CB Rule 24, §95.424); or
- (2) Changing plug-in modules which were certificated as part of your CB transmitter.

(c) You must not operate a CB transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power. (See CB Rules 9 and 11, §§95.409 and 95.411.)

[48 FR 24894, June 3, 1983, as amended at 63 FR 36610, July 7, 1998]

§ 95.426 (CB Rule 26) Do I have to make my CB station available for inspection?

(a) If an authorized FCC representative requests to inspect your CB sta-

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tion, you must make your CB station and records available for inspection.

(b) A CB station includes all of the radio equipment you use.

§ 95.427 (CB Rule 27) What are my station records?

Your station records include the following documents, as applicable.

(a) A copy of each response to an FCC violation notice or an FCC letter. (See CB Rule 22, §95.422.)

(b) Each written permission received from the FCC. (See CB Rule 19, §95.419.)

§ 95.428 (CB Rule 28) How do I contact the FCC?

(a) FCC National Call Center at 1-888-225-5322.

(b) FCC World Wide Web homepage: <http://www.fcc.gov>.

(c) In writing, to FCC, Attention: CB, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

[63 FR 68976, Dec. 14, 1998]

Subpart E—Technical Regulations

SOURCE: 53 FR 36789, Sept. 22, 1988, unless otherwise noted.

GENERAL PROVISIONS

§ 95.601 Basis and purpose.

This section provides the technical standards to which each *transmitter* (apparatus that converts electrical energy received from a source into RF (radio frequency) energy capable of being radiated) used or intended to be used in a station authorized in any of the Personal Radio Services must comply. This section also provides requirements for obtaining certification for such transmitters. The Personal Radio Services are the GMRS (General Mobile Radio Service)-subpart A, the Family Radio Service (FRS)-subpart B, the R/C (Radio Control Radio Service)-subpart C, the CB (Citizens Band Radio Service)-subpart D, the Low Power Radio Service (LPRS)-subpart G, the Wireless Medical Telemetry Service (WMTS)-subpart H, and the Medical

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Implants Communication Service (MICS)-subpart I.

[61 FR 46566, Sept. 4, 1996, as amended at 63 FR 36610, July 7, 1998; 64 FR 69929, Dec. 15, 1999; 65 FR 44008, July 17, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, in § 95.601, the last sentence was revised, effective Oct. 16, 2000. For the convenience of the reader, the superseded text is set forth below:

§ 95.601 Basis and purpose.

* * * The Personal Radio Services are the GMRS (General Mobile Radio Service)—subpart A, the Family Radio Service (FRS)—subpart B, the R/C (Radio Control Radio Service)—subpart C, the CB (Citizens Band Radio Service)—subpart D, the Low Power Radio Service (LPRS)—subpart G, and the Medical Implant Communications Service (MICS)—subpart I.

§ 95.603 Certification required.

(a) Each *GMRS transmitter* (a transmitter that operates or is intended to operate at a station authorized in the GMRS) must be certificated.

(b) Each *R/C transmitter* (a transmitter that operates or is intended to operate at a station authorized in the R/C) must be certificated, except one that transmits only in the 26–27 MHz frequency band and is *crystal controlled* (where the transmitted frequency is established by a *crystal* (a quartz piezoelectric element)).

(c) Each *CB transmitter* (a transmitter that operates or is intended to operate at a station authorized in the CB) must be certificated. No CB transmitter certificated pursuant to an application filed prior to September 10, 1976, shall be manufactured or marketed.

(d) Each FRS unit (a transmitter that operates or is intended to operate in the FRS) must be certified for use in the FRS in accordance with Subpart J of Part 2 of this chapter.

(e) Each Low Power Radio Service transmitter (a transmitter that operates or is intended to operate in the LPRS) must be certificated.

(f) Each Medical Implant Communications Service transmitter (a transmitter that operates or is intended to operate in the MICS) must be certificated except for medical implant transmitters that are not marketed for use in the United States, but which otherwise comply with the MICS tech-

nical requirements and are operated in the United States by individuals who have traveled to the United States from abroad. Medical implant transmitters (as defined in appendix 1 to subpart E of part 95 of this chapter) are subject to the radiofrequency radiation exposure requirements specified in §§ 1.1307 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must contain a finite difference time domain (FDTD) computational modeling report showing compliance with these provisions for fundamental emissions. The Commission retains the discretion to request the submission of specific absorption rate measurement data.

[53 FR 36789, Sept. 22, 1988, as amended at 61 FR 28769, June 6, 1996; 61 FR 46567, Sept. 4, 1996; 63 FR 36610, July 7, 1998; 64 FR 69929, Dec. 15, 1999]

§ 95.605 Certification procedures.

Any entity may request certification for its transmitter when the transmitter is used in the GMRS, R/C, CB, IVDS, LPRS, or MICS following the procedures in part 2 of this chapter. Medical implant transmitters shall be tested for emissions and EIRP limit compliance while enclosed in a medium that simulates human body tissue in accordance with the procedures in § 95.639(g). Frequency stability testing for MICS transmitters shall be performed over the temperature range set forth in § 95.628.

[63 FR 36610, July 7, 1998, as amended at 64 FR 69930, Dec. 15, 1999]

§ 95.607 CB transmitter modification.

Only the holder of the grant of authorization of the particular certificated CB transmitter may make the modifications permitted under the provisions for certification (see part 2 of this chapter.) No grantee shall make any of the following modifications to the transmitter without prior written permission from the *FCC* (Federal Communications Commission):

(a) The addition of any accessory or device not specified in the application for certification and authorized by the FCC in granting the certification;

(b) The addition of any switch, control or external connection;

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(c) Any modification to provide for additional transmitting frequencies, increased modulation level, a different form of modulation, or increased *TP* (RF transmitter power expressed in *W* (watts), either *mean power* (TP averaged over at least 30 cycles of the lowest modulating frequency, typically 0.1 seconds at maximum power) or *peak envelope power* (TP averaged during 1 RF cycle at the highest crest of the modulation envelope), as measured at the transmitter output antenna terminals.)

[53 FR 36789, Sept. 22, 1988, as amended at 63 FR 36610, July 7, 1998]

TECHNICAL STANDARDS

§ 95.621 GMRS transmitter channel frequencies.

(a) The GMRS transmitter *channel frequencies* (reference frequencies from which the carrier frequency, suppressed or otherwise, may not deviate by more than the specified frequency tolerance) are 462.5500, 462.5625, 462.5750, 462.5875, 462.6000, 462.6125, 462.6250, 462.6375, 462.6500, 462.6625, 462.6750, 462.6875, 462.7000, 462.7125, 462.7250, 467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000, and 467.7250.

NOTE: Certain GMRS transmitter channel frequencies are authorized only for certain station classes and station locations. See part 95, subpart A.

(b) Each GMRS transmitter for mobile station, small base station and control station operation must be maintained within a frequency tolerance of 0.0005%. Each GMRS transmitter for base station (except small base), mobile relay station or fixed station operation must be maintained within a frequency tolerance of 0.00025%.

[53 FR 47718, Nov. 25, 1988]

§ 95.623 R/C transmitter channel frequencies.

(a) The R/C transmitter channel frequencies are:

	MHz
26.995	72.01
27.045	72.03
27.095	72.05
27.145	72.07
27.195	72.09
27.255	72.11

72.13	72.87
72.15	72.89
72.17	72.91
72.19	72.93
72.21	72.95
72.23	72.97
72.25	72.99
72.27	75.41
72.29	75.43
72.31	75.45
72.33	75.47
72.35	75.49
72.37	75.51
72.39	75.53
72.41	75.55
72.43	75.57
72.45	75.59
72.47	75.61
72.49	75.63
72.51	75.65
72.53	75.67
72.55	75.69
72.57	75.71
72.59	75.73
72.61	75.75
72.63	75.77
72.65	75.79
72.67	75.81
72.69	75.83
72.71	75.85
72.73	75.87
72.75	75.89
72.77	75.91
72.79	75.93
72.81	75.95
72.83	75.97
72.85	75.99

NOTE: Certain R/C transmitter channel frequencies are authorized to operate only certain kinds of devices (see part 95, subpart C.)

(b) Each R/C transmitter that transmits in the 26-27 MHz frequency band with a mean TP of 2.5 W or less and that is used solely by the operator to turn on and/or off a device at a remote location, other than a device used solely to attract attention, must be maintained within a frequency tolerance of 0.01%. All other R/C transmitters that transmit in the 26-27 MHz frequency band must be maintained within a frequency tolerance of 0.005%. Except as noted in paragraph (c) of this section, R/C transmitters capable of operation in the 72-76 MHz band must be maintained within a frequency tolerance of 0.005%.

(c) All R/C transmitters capable of operation in the 72-76 MHz band that are manufactured in or imported into the United States, on or after March 1, 1992, or are marketed on or after March 1, 1993, must be maintained within a

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frequency tolerance of 0.002%. R/C transmitters operating in the 72-76 MHz band and marketed before March 1, 1993, may continue to be operated with a frequency tolerance of 0.005% until March 1, 1998.

[53 FR 36789, Sept. 22, 1988; 53 FR 52713, Dec. 29, 1988; 56 FR 15837, Apr. 18, 1991]

§ 95.625 CB transmitter channel frequencies.

(a) The CB transmitter channel frequencies are:

Channel No.	(MHz)
1	26.965
2	26.975
3	26.985
4	27.005
5	27.015
6	27.025
7	27.035
8	27.055
9	27.065
10	27.075
11	27.085
12	27.105
13	27.115
14	27.125
15	27.135
16	27.155
17	27.165
18	27.175
19	27.185
20	27.205
21	27.215
22	27.225
23	27.255
24	27.235
25	27.245
26	27.265
27	27.275
28	27.285
29	27.295
30	27.305
31	27.315
32	27.325
33	27.335
34	27.345
35	27.355
36	27.365
37	27.375
38	27.385
39	27.395
40	27.405

(b) Each CB transmitter must be maintained within a frequency tolerance of 0.005%.

§ 95.627 FRS unit channel frequencies.

(a) The FRS unit channel frequencies are:

Channel No.	(MHz)
1	462.5625
2	462.5875
3	462.6125

Channel No.	(MHz)
4	462.6375
5	462.6625
6	462.6875
7	462.7125
8	467.5625
9	467.5875
10	467.6125
11	467.6375
12	467.6625
13	467.6875
14	467.7125

(b) Each FRS unit must be maintained within a frequency tolerance of 0.00025%.

[61 FR 28769, June 6, 1996]

§ 95.628 MICS transmitter.

(a) *Frequency monitoring.* Medical implant programmer/control transmitters must incorporate a mechanism for monitoring the channel or channels that the MICS system devices intend to occupy. The monitoring system antenna shall be the antenna normally used by the programmer/control transmitter for a communications session. Before a medical implant programmer/control transmitter initiates a MICS communications session, the following access criteria must be met:

(1) The monitoring system bandwidth measured at its 20 dB down points must be equal to or greater than the emission bandwidth of the intended transmission.

(2) Within 5 seconds prior to initiating a communications session, circuitry associated with a medical implant programmer/control transmitter must monitor the channel or channels the MICS system devices intend to occupy for a minimum of 10 milliseconds per channel.

(3) Based on use of an isotropic monitoring system antenna, the monitoring threshold power level must not be more than $10\log B(\text{Hz}) - 150 \text{ (dBm/Hz)} + G(\text{dBi})$ where B is the emission bandwidth of the MICS communication session transmitter having the widest emission and G is the medical implant programmer/control transmitter monitoring system antenna gain relative to an isotropic antenna. For purposes of showing compliance with the above provision, the above calculated threshold power level must be increased or decreased by an amount equal to the monitoring system antenna gain above

or below the gain of an isotropic antenna, respectively.

(4) If no signal in a MICS channel above the monitoring threshold power level is detected, the medical implant programmer/control transmitter may initiate a MICS communications session involving transmissions to and from a medical implant device on that channel. The MICS communications session may continue as long as any silent period between consecutive data transmission bursts does not exceed 5 seconds. If a channel meeting the criteria in paragraph (a)(3) of this section is unavailable, the channel with the lowest ambient power level may be accessed.

(5) When a channel is selected prior to a MICS communications session, it is permissible to select an alternate channel for use if communications is interrupted, provided that the alternate channel selected is the next best choice using the above criteria. The alternate channel may be accessed in the event a communications session is interrupted by interference. The following criteria must be met:

(i) Before transmitting on the alternate channel, the channel must be monitored for a period of at least 10 milliseconds.

(ii) The detected power level during this 10 millisecond or greater monitoring period must be no higher than 6 dB above the power level detected when the channel was chosen as the alternate channel.

(iii) In the event that this alternate channel provision is not used by the MICS system or if the criteria in (i) and (ii) are not met, a channel must be selected using the access criteria specified in paragraphs (a)(1) through (a)(4) of this section.

(6) As used in this section, the following definitions apply:

(i) *Emission bandwidth*—Measured as the width of the signal between the points on either side of carrier center frequency that are 20 dB down relative to the maximum level of the modulated carrier. Compliance will be determined using instrumentation employing a peak detector function and a resolution bandwidth approximately equal to 1% of the emission bandwidth of the device under test.

(ii) *MICS channel*—Any continuous segment of spectrum that is equal to the emission bandwidth of the device with the largest bandwidth that is to participate in a MICS communications session. (Note: The rules do not specify a channeling scheme for use by MICS systems.)

(iii) *MICS communications session*—A collection of transmissions, that may or may not be continuous, between MICS system devices.

(b) MICS communications sessions initiated by a medical implant event are not required to use the access criteria set forth in paragraph (a) of this section.

(c) Stations may operate on any of the frequencies in the band 402–405 MHz, provided that the out-of-band emissions are attenuated in accordance with § 95.635.

(d) The authorized bandwidth of the emission from a MICS station shall not exceed 300 kHz, and no communications session involving MICS stations shall use more than a total of 300 kHz of bandwidth during such a session. Note: This provision does not preclude full duplex or half duplex communications provided that the total amount of bandwidth utilized by all of the MICS channels employed in such a MICS communications session does not exceed 300 kHz.

(e) Each transmitter in the MICS service must maintain a frequency stability of ± 100 ppm of the operating frequency over the range:

(1) 25°C to 45°C in the case of medical implant transmitters; and

(2) 0°C to 55°C in the case of medical implant programmer/control transmitters.

(f) The provisions of this section shall not be used to extend the range of spectrum occupied over space or time for the purpose denying fair access to spectrum for other MICS systems.

[64 FR 69930, Dec. 15, 1999]

§ 95.629 LPRS transmitter frequencies.

(a) LPRS transmitters may operate on any frequency listed in paragraphs (b), (c), and (d) of this section. Channels 19, 20, 50, and 151–160 are available exclusively for law enforcement tracking purposes. AMTS transmissions are limited to the 216.750–217.000 MHz band

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for low power point-to-point network control communications by AMTS coast stations. Other AMTS transmissions in the 216-217 MHz band are prohibited.

(b) *Standard band channels.* (1) The following table indicates standard band frequencies. The channel bandwidth is 25 kHz.

Channel No.	Center frequency (MHz)
1	216.0125
2	216.0375
3	216.0625
4	216.0875
5	216.1125
6	216.1375
7	216.1625
8	216.1875
9	216.2125
10	216.2375
11	216.2625
12	216.2875
13	216.3125
14	216.3375
15	216.3625
16	216.3875
17	216.4125
18	216.4375
19	216.4625
20	216.4875
21	216.5125
22	216.5375
23	216.5625
24	216.5875
25	216.6125
26	216.6375
27	216.6625
28	216.6875
29	216.7125
30	216.7375
31	216.7625
32	216.7875
33	216.8125
34	216.8375
35	216.8625
36	216.8875
37	216.9125
38	216.9375
39	216.9625
40	216.9875

(2) LPRS transmitters operating on standard band channels must be maintained within a frequency stability of 50 parts per million.

(c) *Extra band channels.* (1) The following table indicates extra band frequencies. The channel bandwidth is 50 kHz.

Channel No.	Center frequency (MHz)
41	216.025
42	216.075
43	216.125
44	216.175

Channel No.	Center frequency (MHz)
45	216.225
46	216.275
47	216.325
48	216.375
49	216.425
50	216.475
51	216.525
52	216.575
53	216.625
54	216.675
55	216.725
56	216.775
57	216.825
58	216.875
59	216.925
60	216.975

(2) LPRS transmitters operating on extra band channels must be maintained within a frequency stability of 50 parts per million.

(d) *Narrowband channels.* (1) The following table indicates narrowband frequencies. The channel bandwidth is 5 kHz and the authorized bandwidth is 4 kHz.

Channel No.	Center frequency (MHz)
61	216.0025
62	216.0075
63	216.0125
64	216.0175
65	216.0225
66	216.0275
67	216.0325
68	216.0375
69	216.0425
70	216.0475
71	216.0525
72	216.0575
73	216.0625
74	216.0675
75	216.0725
76	216.0775
77	216.0825
78	216.0875
79	216.0925
80	216.0975
81	216.1025
82	216.1075
83	216.1125
84	216.1175
85	216.1225
86	216.1275
87	216.1325
88	216.1375
89	216.1425
90	216.1475
91	216.1525
92	216.1575
93	216.1625
94	216.1675
95	216.1725
96	216.1775
97	216.1825
98	216.1875
99	216.1925

Channel No.	Center frequency (MHz)	Channel No.	Center frequency (MHz)
100	216.1975	172	216.5575
101	216.2025	173	216.5625
102	216.2075	174	216.5675
103	216.2125	175	216.5725
104	216.2175	176	216.5775
105	216.2225	177	216.5825
106	216.2275	178	216.5875
107	216.2325	179	216.5925
108	216.2375	180	216.5975
109	216.2425	181	216.6025
110	216.2475	182	216.6075
111	216.2525	183	216.6125
112	216.2575	184	216.6175
113	216.2625	185	216.6225
114	216.2675	186	216.6275
115	216.2725	187	216.6325
116	216.2775	188	216.6375
117	216.2825	189	216.6425
118	216.2875	190	216.6475
119	216.2925	191	216.6525
120	216.2975	192	216.6575
121	216.3025	193	216.6625
122	216.3075	194	216.6675
123	216.3125	195	216.6725
124	216.3175	196	216.6775
125	216.3225	197	216.6825
126	216.3275	198	216.6875
127	216.3325	199	216.6925
128	216.3375	200	216.6975
129	216.3425	201	216.7025
130	216.3475	202	216.7075
131	216.3525	203	216.7125
132	216.3575	204	216.7175
133	216.3625	205	216.7225
134	216.3675	206	216.7275
135	216.3725	207	216.7325
136	216.3775	208	216.7375
137	216.3825	209	216.7425
138	216.3875	210	216.7475
139	216.3925	211	216.7525
140	216.3975	212	216.7575
141	216.4025	213	216.7625
142	216.4075	214	216.7675
143	216.4125	215	216.7725
144	216.4175	216	216.7775
145	216.4225	217	216.7825
146	216.4275	218	216.7875
147	216.4325	219	216.7925
148	216.4375	220	216.7975
149	216.4425	221	216.8025
150	216.4475	222	216.8075
151	216.4525	223	216.8125
152	216.4575	224	216.8175
153	216.4625	225	216.8225
154	216.4675	226	216.8275
155	216.4725	227	216.8325
156	216.4775	228	216.8375
157	216.4825	229	216.8425
158	216.4875	230	216.8475
159	216.4925	231	216.8525
160	216.4975	232	216.8575
161	216.5025	233	216.8625
162	216.5075	234	216.8675
163	216.5125	235	216.8725
164	216.5175	236	216.8775
165	216.5225	237	216.8825
166	216.5275	238	216.8875
167	216.5325	239	216.8925
168	216.5375	240	216.8975
169	216.5425	241	216.9025
170	216.5475	242	216.9075
171	216.5525	243	216.9125

Channel No.	Center frequency (MHz)
244	216.9175
245	216.9225
246	216.9275
247	216.9325
248	216.9375
249	216.9425
250	216.9475
251	216.9525
252	216.9575
253	216.9625
254	216.9675
255	216.9725
256	216.9775
257	216.9825
258	216.9875
259	216.9925
260	216.9975

(2) LPRS transmitters operating on narrowband channels must be maintained within a frequency stability of 1.5 parts per million.

[61 FR 46567, Sept. 4, 1996]

§ 95.630 WMTS transmitter frequencies.

WMTS transmitters may operate in the frequency bands specified below:

- 608-614 MHz
- 1395-1400 MHz
- 1429-1432 MHz

[65 FR 44008, July 17, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, §95.630 was added, effective Oct. 16, 2000.

§ 95.631 Emission types.

(a) A GMRS transmitter must transmit only emission types A1D, F1D, G1D, H1D, J1D, R1D, A3E, F3E, G3E, H3E, J3E or R3E. A non-voice emission is limited to selective calling or tone-operated squelch tones to establish or continue voice communications. See §95.181 (g) and (h).

(b) An R/C transmitter may transmit any appropriate non-voice emission which meets the emission limitations of §95.633.

(c) A CB transmitter may transmit only emission types A1D, H1D, J1D, R1D, A3E, H3E, J3E, R3E. A non-voice emission is limited to selective calling or tone-operated squelch tones to establish or continue voice communications. See §95.412 (b) and (c).

(d) An FRS unit may transmit only emission type F3E. A non-voice emission is limited to selective calling or

tone-operated squelch tones to establish or continue voice communications.

(e) No GMRS or CB transmitter shall employ a digital modulation or emission.

(f) No GMRS, CB or R/C transmitter shall transmit non-voice data.

(g) An LPRS station may transmit any emission type appropriate for communications in this service. Two-way voice communications, however, are prohibited.

(h) A MICS station may transmit any emission type appropriate for communications in this service. Voice communications, however, are prohibited.

(i) A WMTS station may transmit any emission type appropriate for communications in this service, except for video and voice. Waveforms such as electrocardiograms (ECGs) are not considered video.

[53 FR 36789, Sept. 22, 1988. Redesignated and amended at 61 FR 28769, June 6, 1996, and further redesignated and amended at 61 FR 46567, 46568, Sept. 4, 1996; 64 FR 69930, Dec. 15, 1999; 65 FR 44008, July 17, 2000; 65 FR 53190, Sept. 1, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, in §95.631, corrected at 65 FR 53190, Sept. 1, 2000, paragraph (i) was added, effective Oct. 16, 2000.

§ 95.633 Emission bandwidth.

(a) The *authorized bandwidth* (maximum permissible bandwidth of a transmission) for emission type H1D, J1D, R1D, H3E, J3E or R3E is 4 kHz. The authorized bandwidth for emission type A1D or A3E is 8 kHz. The authorized bandwidth for emission type F1D, G1D, F3E or G3E is 20 kHz.

(b) The authorized bandwidth for any emission type transmitted by an R/C transmitter is 8 kHz.

(c) The authorized bandwidth for emission type F3E transmitted by a FRS unit is 12.5 kHz.

(d) For transmitters in the LPRS:

(1) The authorized bandwidth for narrowband frequencies is 4 kHz and the channel bandwidth is 5 kHz

(2) The channel bandwidth for standard band frequencies is 25 kHz.

(3) The channel bandwidth for extra band frequencies is 50 kHz.

(4) AMTS stations may use the 216.750-217.000 MHz band as a single 250

kHz channel so long as the signal is attenuated as specified in § 95.635(c).

(e) For transmitters in the MICS:

(1) The maximum authorized emission bandwidth is 300 kHz.

(2) Lesser authorized emission bandwidths may be employed, provided that the unwanted emissions are attenuated as provided in § 95.635 and that the power radiated in any 300 kHz bandwidth does not exceed 25 microwatts EIRP. See §§ 95.605 and 95.639(g) regarding power measurement procedures.

(3) Emission bandwidth will be determined by measuring the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, that are 20 dB down relative to the maximum level of the modulated carrier. Compliance with the emission bandwidth limit is based on the use of measurement instrumentation employ-

ing a peak detector function with an instrument resolution bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

[53 FR 36789, Sept. 22, 1988. Redesignated and amended at 61 FR 28769, June 6, 1996, and further redesignated and amended at 61 FR 46567, 46568, Sept. 4, 1996; 64 FR 69930, Dec. 15, 1999]

§ 95.635 Unwanted radiation.

(a) In addition to the procedures in part 2, the following requirements apply to each transmitter both with and without the connection of all attachments acceptable for use with the transmitter, such as an external speaker, microphone, power cord, antenna, etc.

(b) The power of each unwanted emission shall be less than TP as specified in the applicable paragraphs listed in the following table:

Transmitter	Emission type	Applicable paragraphs (b)
GMRS	A1D, A3E, F1D, G1D, F3E, G3E with filtering	(1), (3), (7).
	A1D, A3E, F1D, G1D, F3E, G3E without filtering	(5), (6), (7).
FRS	H1D, J1D, R1D, H3E, J3E, R3E	(2), (4), (7).
	F3E with filtering	(1), (3), (7).
R/C:		
27 MHz	As specified in § 95.631(b)	(1), (3), (7).
72–76 MHz	As specified in § 95.631(b)	(1), (3), (7), (10), (11), (12).
CB	A1D, A3E	(1), (3), (8), (9).
	H1D, J1D, R1D, H3E, J3E, R3E	(2), (4), (8), (9).
	A1D, A3E type accepted before September 10, 1976	(1), (3), (7).
	H1D, J1D, R1D, H3E, J3E, R3E type accepted before September 10, 1986.	(2), (4), (7).
LPRS	As specified in paragraph (c)	
MICS	As specified in paragraph (d)	

Note 1—Filtering noted for GMRS and FRS transmitters refers to the requirement in § 95.637(b).

Note 2—Unwanted R radiation may be stated in mean power or in peak envelope power, provided it is stated in the same parameter as T.

Note 3—Paragraphs (b)(1), (b)(10), (b)(11), and (b)(12) of this section apply to transmitters operating in the 72–76 MHz band that are manufactured or imported into the United States on or after March 1, 1992, or marketed or sold on or after March 1, 1993. Paragraphs (b)(1), (b)(3), and (b)(7) of this section apply to transmitters operating in the 72–76 MHz band manufactured or imported into the United States before March 1, 1992, or marketed before March 1, 1993.

Note 4—If spurious or harmonic emissions result in harmful interference (any transmission, radiation or induction that endangers the functioning of a radionavigation or other safety service or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with applicable laws, treaties and regulations), the FCC may, at its discretion, require appropriate technical changes in the station equipment to alleviate the interference, including the use of a low pass filter between the transmitter antenna terminals and the antenna feed line.

(1) At least 25 dB (decibels) on any frequency removed from the center of the authorized bandwidth by more than 50% up to and including 100% of the authorized bandwidth.

(2) At least 25 dB on any frequency removed from the center of the authorized bandwidth by more than 50% up to and including 150% of the authorized bandwidth.

(3) At least 35 dB on any frequency removed from the center of the authorized bandwidth by more than 100% up to and including 250% of the authorized bandwidth.

(4) At least 35 dB on any frequency removed from the center of the authorized bandwidth by more than 150% up to and including 250% of the authorized bandwidth.

(5) At least $83 \log_{10}(f_d/5)$ dB on any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz), of more than 5 kHz up to and including 10 kHz.

(6) At least $116 \log_{10}(f_d/6.1)$ dB, or if less, $50 + 10 \log_{10}(T)$ dB, on any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz), of more than 10 kHz up to and including 250% of the authorized bandwidth.

(7) At least $43 + 10 \log_{10}(T)$ dB on any frequency removed from the center of the authorized bandwidth by more than 250%.

(8) At least $53 + 10 \log_{10}(T)$ dB on any frequency removed from the center of the authorized bandwidth by more than 250%.

(9) At least 60 dB on any frequency twice or greater than twice the fundamental frequency.

(10) At least 45 dB on any frequency removed from the center of the authorized bandwidth by more than 100% up to and including 125% of the authorized bandwidth.

(11) At least 55 dB on any frequency removed from the center of the authorized bandwidth by more than 125% up to and including 250% of the authorized bandwidth.

(12) At least $56 + 10 \log_{10}(T)$ dB on any frequency removed from the center of the authorized bandwidth by more than 250%.

(c) For transmitters designed to operate in the LPRS, emissions shall be attenuated in accordance with the following:

(1) Emissions for LPRS transmitters operating on standard band channels (25 kHz) shall be attenuated below the unmodulated carrier in accordance with the following:

(i) Emissions 12.5 kHz to 22.5 kHz away from the channel center frequency: at least 30 dB; and

(ii) Emissions more than 22.5 kHz away from the channel center frequency: at least $43 + 10\log(\text{carrier power in watts})$ dB.

(2) Emissions for LPRS transmitters operating on extra band channels (50 kHz) shall be attenuated below the unmodulated carrier in accordance with the following:

(i) Emissions 25 kHz to 35 kHz from the channel center frequency: at least 30 dB; and

(ii) Emissions more than 35 kHz away from the channel center frequency: at least $43 + 10\log(\text{carrier power in watts})$ dB.

(3) Emissions for LPRS transmitters operating on narrowband channels (5 kHz) shall be attenuated below the power (P) of the highest emission, measured in peak values, contained within the authorized bandwidth (4 kHz) in accordance with the following:

(i) On any frequency within the authorized bandwidth: Zero dB;

(ii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 2 kHz up to and including 3.75 kHz: The lesser of $30 + 20(f_d-2)$ dB, or $55 + 10 \log(P)$, or 65 dB; and

(iii) On any frequency beyond 3.75 kHz removed from the center of the authorized bandwidth: At least $55 + 10 \log(P)$ dB.

(4) Emissions from AMTS transmitters using a single 250 kHz channel shall be attenuated below the unmodulated carrier in accordance with the following:

(i) Emissions from 125 kHz to 135 kHz away from the channel center frequency: at least 30 dB; and

(ii) Emissions more than 135 kHz away from the channel center frequency: at least $43 + 10\log(\text{carrier power in watts})$ dB.

(d) For transmitters designed to operate in the MICS, emissions shall be attenuated in accordance with the following:

(1) Emissions more than 250 kHz outside of the MICS band (402-405 MHz) shall be attenuated to a level no greater than the following field strength limits:

Frequency (MHz)	Field strength ($\mu\text{V/m}$)	Measurement distance (m)
30-88	100	3
88-216	150	3
216-960	200	3
960 and above	500	3

Note—At band edges, the tighter limit applies.

(2) The emission limits shown in the above table are based on measurements employing a CISPR quasi-peak detector except that above 1 GHz, the limit

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is based on measurements employing an average detector. Measurements above 1 GHz shall be performed using a minimum resolution bandwidth of 1 MHz. See also § 95.605.

(3) The emissions from a MICS transmitter must be measured to at least the tenth harmonic of the highest fundamental frequency designed to be emitted by the transmitter.

(4) Emissions within the MICS band (402–405 MHz) more than 150 kHz away from the center frequency of the spectrum the transmission is intended to occupy, will be attenuated below the transmitter output power by at least 20 dB. Compliance with this limit is based on the use of measurement instrumentation employing a peak detector function with an instrument resolution bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

(5) Emissions 250 kHz or less that are above and below the MICS band (402–405 MHz) will be attenuated below the maximum permitted output power by at least 20 dB. Compliance with this limit is based on the use of measurement instrumentation employing a peak detector function with an instrument resolution bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

[53 FR 36789, Sept. 22, 1988, as amended at 56 FR 15837, Apr. 18, 1991. Redesignated and amended at 61 FR 28769, 28770, June 6, 1996, and further redesignated and amended at 61 FR 46567, 46568, Sept. 4, 1996; 63 FR 36610, July 7, 1998; 64 FR 69931, Dec. 15, 1999]

§ 95.637 Modulation standards.

(a) A GMRS transmitter that transmits emission types F1D, G1D, or G3E must not exceed a peak frequency deviation of plus or minus 5 kHz. A GMRS transmitter that transmits emission type F3E must not exceed a peak frequency deviation of plus or minus 5 kHz. A FRS unit that transmits emission type F3E must not exceed a peak frequency deviation of plus or minus 2.5 kHz, and the audio frequency response must not exceed 3.125 kHz.

(b) Each GMRS transmitter, except a mobile station transmitter with a power output of 2.5 W or less, must automatically prevent a greater than

normal audio level from causing over-modulation. The transmitter also must include audio frequency low pass filtering, unless it complies with the applicable paragraphs of § 95.631 (without filtering.) The filter must be between the modulation limiter and the modulated stage of the transmitter. At any frequency (f in kHz) between 3 and 20 kHz, the filter must have an attenuation of at least $60 \log_{10} (f/3)$ dB greater than the attenuation at 1 kHz. Above 20 kHz, it must have an attenuation of at least 50 dB greater than the attenuation at 1 kHz.

(c) When emission type A3E is transmitted, the modulation must be greater than 85% but must not exceed 100%. Simultaneous amplitude modulation and frequency or phase modulation of a transmitter are not permitted.

(d) When emission type A3E is transmitted by a CB transmitter having a TP of greater than 2.5 W, the CB transmitter must automatically prevent the modulation from exceeding 100%.

(e) Each CB transmitter that transmits emission type H3E, J3E or R3E must be capable of transmitting the upper sideband. The capability of also transmitting the lower sideband is permitted.

[53 FR 36789, Sept. 22, 1988. Redesignated and amended at 61 FR 28769, 28770, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996]

§ 95.639 Maximum transmitter power.

(a) No GMRS transmitter, under any condition of modulation, shall exceed:

(1) 50 W *Carrier power* (average TP during one unmodulated RF cycle) when transmitting emission type A1D, F1D, G1D, A3E, F3E or G3E.

(2) 50 W peak envelope TP when transmitting emission type H1D, J1D, R1D, H3E, J3E or R3E.

(b) No R/C transmitter, under any condition of modulation, shall exceed a carrier power or peak envelope TP (single-sideband only) of:

(1) 4 W in the 26–27 MHz frequency band, except on channel frequency 27.255 MHz;

(2) 25 W on channel frequency 27.255 MHz;

(3) 0.75 W in the 72–76 MHz frequency band.

(c) No CB transmitter, under any condition of modulation, shall exceed:

(1) 4 W Carrier power when transmitting emission type A1D or A3E;

(2) 12 W peak envelope TP when transmitting emission type H1D, J1D, R1D, H3E, J3E or R3E. Each CB transmitter which transmits emission type H3E, J3E or R3E must automatically prevent the TP from exceeding 12 W peak envelope TP or the manufacturer's rated peak envelope TP, whichever is less.

(d) No FRS unit, under any condition of modulation, shall exceed 0.500 W effective radiated power (ERP).

(e) The maximum transmitter output power authorized for LPRS stations is 100 mW.

(f) In the MICS the following limits apply:

(1) The maximum EIRP for MICS transmitter stations is 25 microwatts. The antenna associated with any MICS transmitter must be supplied with the transmitter and shall be considered part of the transmitter subject to equipment authorization. Compliance of any MICS transmitter with the 25 microwatts EIRP limit may be determined by measuring the radiated field from the equipment under test at 3 meters and calculating the EIRP. The equivalent radiated field strength at 3 meters for 25 microwatts EIRP is 18.2 mV/meter when measured on an open area test site, or 9.1 mV/meter when measured on a test site equivalent to free space such as a fully anechoic test chamber. In either case, compliance is based on measurements using a peak detector function and measured over an interval of time when transmission is continuous and at its maximum power level. In lieu of using a peak detector function, instrumentation techniques set forth in ANSI C63.17-1998, Section 6.1.2.2.1 or Section 6.1.2.2.2 may be used in determining compliance with the above specifications.

(2) For a transmitter intended to be implanted in a human body, the following test fixture must be used to simulate operation of the implant under actual operating conditions. See §95.605.

(i) For measurement purposes to determine compliance with emission limits, the radiating characteristics of an

implant transmitter placed in a test fixture should approximate those of an implant transmitter placed in a human body. An appropriate human torso simulator for testing medical implant transmitters consists of a cylindrical Plexiglas container with a size of 30 cm by 76 cm with a sidewall thickness of 0.635 cm. It must be completely filled with a material that is sufficiently fluidic that it will flow around the implant without any voids. The dielectric and conductivity properties of this material must match the dielectric and conductivity properties of human muscle tissue at 403.5 MHz. All emissions measurements will be made using the above specification at a nominal temperature of 20-25°C. Simple saline solutions do not meet the above criteria. A mounting grid for the implant inside the container must be provided that permits the radiating element or elements of the implant to be positioned vertically and horizontally. The grid should also support any additional implant leads associated with the therapeutic function in a fixed repeatable manner. The implant must be mounted 6 cm from the sidewall and centered vertically within the container. The above fixture shall be placed on a turntable such that the implant transmitter will be located at a nominal 1.5-meter height above ground and at a 3-meter distance from the measurement antenna. Radiated emissions measurements shall then be performed to insure compliance with the applicable technical specifications.

(ii) A formula for a suitable tissue substitute material is defined in the paper "Simulated Biological Materials for Electromagnetic Radiation Absorption Studies" by G. Hartsgrrove, A. Kraszewski, and A. Surowiec as published in "Bioelectromagnetics 8:29-36 (1987)".

(3) The power radiated in any 300 kHz bandwidth shall not exceed 25 microwatts EIRP. See §§95.633(e) and 95.639(g).

(g) The maximum field strength authorized for WMTS stations in the 608-614 MHz band is 200 mV/m, measured at 3 meters. For stations in the 1395-1400

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MHz and 1429–1432 MHz bands, the maximum field strength is 740 mV/m, measured at 3 meters.

[53 FR 36789, Sept. 22, 1988; 53 FR 44144, Nov. 1, 1988. Redesignated and amended at 61 FR 28769, 28770, June 6, 1996, and further redesignated and amended at 61 FR 46567, 46569, Sept. 4, 1996; 64 FR 69932, Dec. 15, 1999; 65 FR 44008, July 17, 2000; 65 FR 53190, Sept. 1, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, and corrected at 65 FR 53190, Sept. 1, 2000, in § 95.639, paragraph (g) was added, effective Oct. 16, 2000.

CERTIFICATION REQUIREMENTS

§ 95.645 Control accessibility.

(a) No control, switch or other type of adjustment which, when manipulated, can result in a violation of the rules shall be accessible from the transmitter operating panel or from exterior of the transmitter enclosure.

(b) An R/C transmitter which incorporates plug-in frequency determining modules which are changed by the user must be certificated with the modules. Each module must contain all of the frequency determining circuitry including the oscillator. Plug-in crystals are not considered modules and must not be accessible to the user.

[53 FR 36789, Sept. 22, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996; 63 FR 36610, July 7, 1998]

§ 95.647 FRS unit and R/C transmitter antennas.

The antenna of each FRS unit, and the antenna of each R/C station transmitting in the 72–76 MHz band, must be an integral part of the transmitter. The antenna must have no gain (as compared to a half-wave dipole) and must be vertically polarized.

[61 FR 28770, June 6, 1996. Redesignated at 61 FR 46567, Sept. 4, 1996]

§ 95.649 Power capability.

No CB, R/C, LPRS, FRS, MICS or WMTS unit shall incorporate provisions for increasing its transmitter power to any level in excess of the limits specified in § 95.639.

[65 FR 44008, July 17, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, § 95.649 was revised, effective Oct. 16,

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2000. For the convenience of the reader the superseded text is set forth below:

§ 95.649 Power capability.

No FRS, R/C, CB, LPRS, or MICS transmitter shall incorporate provisions for increasing its transmitter power to any level in excess of the limits specified in § 95.639.

[64 FR 69932, Dec. 15, 1999]

§ 95.651 Crystal control required.

All transmitters used in the Personal Radio Services must be crystal controlled, except an R/C station that transmits in the 26–27 MHz frequency band, a FRS unit, a LPRS unit, a MICS transmitter, or a WMTS unit.

[65 FR 44008, July 17, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, § 95.651 was revised, effective Oct. 16, 2000. For the convenience of the reader, the superseded text is set forth as follows:

§ 95.651 Crystal control required.

All transmitters used in the Personal Radio Services must be crystal controlled, except an R/C station that transmits in the 26–27 MHz frequency band, a FRS unit, a LPRS unit, or a MICS transmitter.

[64 FR 69932, Dec. 15, 1999]

§ 95.653 Instructions and warnings.

(a) A user's instruction manual must be supplied with each transmitter marketed, and one copy (a draft or preliminary copy is acceptable provided a final copy is provided when completed) must be forwarded to the FCC with each request for certification.

(b) The instruction manual must contain all information necessary for the proper installation and operation of the transmitter including:

(1) Instructions concerning all controls, adjustments and switches that may be operated or adjusted without resulting in a violation of the rules.

(2) Warnings concerning any adjustment that could result in a violation of the rules or that is recommended to be performed by or under the immediate supervision and responsibility of a person certified as technically qualified to perform transmitter maintenance and repair duties in the private land mobile services and fixed services by an organization or committee representative of users of those services.

(3) Warnings concerning the replacement of any transmitter component (crystal, semiconductor, etc.) that could result in a violation of the rules.

(4) For a CMRS transmitter, warnings concerning licensing requirements and information concerning license application procedures.

[53 FR 36789, Sept. 22, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996; 63 FR 36610, July 7, 1998]

§ 95.655 Frequency capability.

(a) No transmitter will be certificated for use in the CB service if it is equipped with a frequency capability not listed in § 95.625, and no transmitter will be certificated for use in the GMRS if it is equipped with a frequency capability not listed in § 95.621, unless such transmitter is also certificated for use in another radio service for which the frequency is authorized and for which certification is also required. (Transmitters with frequency capability for the Amateur Radio Services, Military Affiliate Radio System and Civil Air Patrol will not be certificated.)

(b) All frequency determining circuitry (including crystals) and programming controls in each CB transmitter and in each GMRS transmitter must be internal to the transmitter and must not be accessible from the exterior of the transmitter operating panel or from the exterior of the transmitter enclosure.

(c) No add-on device, whether internal or external, the function of which is to extend the transmitting frequency capability of a CB transmitter beyond its original capability, shall be manufactured, sold or attached to any CB station transmitter.

[53 FR 47718, Nov. 25, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996; 63 FR 36611, July 7, 1998]

ADDITIONAL CERTIFICATION REQUIREMENTS FOR CB TRANSMITTERS

§ 95.665 [Reserved]

§ 95.667 CB transmitter power.

The dissipation rating of all the semiconductors or electron tubes which supply RF power to the antenna terminals of each CB transmitter must not exceed 10 W. For semiconductors,

the dissipation rating is the greater of the collector or device dissipation value established by the manufacturer of the semiconductor. These values may be temperature de-rated by no more than 50 °C. For an electron tube, the dissipation rating is the Intermittent Commercial and Amateur Service plate dissipation value established by the manufacturer of the electron tube.

[53 FR 36789, Sept. 22, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996]

§ 95.669 External controls.

(a) Only the following external transmitter controls, connections or devices will normally be permitted in a CB transmitter:

(1) Primary power connection. (Circuitry or devices such as rectifiers, transformers, or inverters which provide the nominal rated transmitter primary supply voltage may be used without voiding the transmitter certification.)

(2) Microphone connection.

(3) Antenna terminals.

(4) Audio frequency power amplifier output connector and selector switch.

(5) On-off switch for primary power to transmitter. This switch may be combined with receiver controls such as the receiver on-off switch and volume control.

(6) Upper/lower sideband selector switch (for a transmitter that transmits emission type H3E, J3E or R3E).

(7) Carrier level selector control (for a transmitter that transmits emission type H3E, J3E or R3E.) This control may be combined with the sideband selector switch.

(8) Channel frequency selector switch.

(9) Transmit/receive selector switch.

(10) Meter(s) and selector switch(es) for monitoring transmitter performance.

(11) Pilot lamp(s) or meter(s) to indicate the presence of RF output power or that the transmitter control circuits are activated to transmit.

(b) The FCC may authorize additional controls, connections or devices after considering the functions to be performed by such additions.

[53 FR 36789, Sept. 22, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996; 63 FR 36611, July 7, 1998]

§ 95.671 Serial number.

The serial number of each CB transmitter must be engraved on the transmitter chassis.

[53 FR 36789, Sept. 22, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996]

§ 95.673 Copy of rules.

A copy of part 95, subpart D, of the FCC Rules, current at the time of packing of the transmitter, must be furnished with each CB transmitter marketed.

[53 FR 36789, Sept. 22, 1988. Redesignated at 61 FR 28769, June 6, 1996, and further redesignated at 61 FR 46567, Sept. 4, 1996]

APPENDIX 1 TO SUBPART E TO PART 95—
GLOSSARY OF TERMS

The definitions used in part 95, Subpart E are:

Authorized bandwidth. Maximum permissible bandwidth of a transmission.

Carrier power. Average TP during one unmodulated RF cycle.

CB. Citizens Band Radio Service.

CB transmitter. A transmitter that operates or is intended to operate at a station authorized in the CB.

Channel frequencies. Reference frequencies from which the carrier frequency, suppressed or otherwise, may not deviate by more than the specified frequency tolerance.

Crystal. Quartz piezo-electric element.

Crystal controlled. Use of a crystal to establish the transmitted frequency.

dB. Decibels.

EIRP. Effective Isotropic Radiated Power. Antenna input power times gain for free-space or in-tissue measurement configurations required by MICS, expressed in watts, where the gain is referenced to an isotropic radiator.

FCC. Federal Communications Commission.

Filtering. Refers to the requirement in § 95.633(b).

FRS. Family Radio Service.

GMRS. General Mobile Radio Service.

GMRS transmitter. A transmitter that operates or is intended to operate at a station authorized in the GMRS.

Harmful interference. Any transmission, radiation or induction that endangers the functioning of a radionavigation or other safety service or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with applicable laws, treaties and regulations.

Mean power. TP averaged over at least 30 cycles of the lowest modulating frequency, typically 0.1 seconds at maximum power.

MICS. Medical Implant Communications Service.

Medical implant device. Apparatus that is placed inside the human body for the purpose of performing diagnostic or therapeutic functions.

Medical implant event. An occurrence or the lack of an occurrence recognized by a medical implant device, or a duly authorized health care professional, that requires the transmission of data from a medical implant transmitter in order to protect the safety or well-being of the person in whom the medical implant transmitter has been implanted.

Medical implant communications service (MICS) transmitter. A transmitter authorized to operate in the MICS.

Medical implant programmer/control transmitter. A MICS transmitter that operates or is designed to operate outside of a human body for the purpose of communicating with a receiver connected to a medical implant device.

Medical implant transmitter. A MICS transmitter that operates or is designed to operate within a human body for the purpose of facilitating communications from a medical implant device.

Peak envelope power. TP averaged during one RF cycle at the highest crest of the modulation envelope.

R/C. Radio Control Radio Service.

R/C transmitter. A transmitter that operates or is intended to operate at a station authorized in the R/C.

RF. Radio frequency.

Transmitter. Apparatus that converts electrical energy received from a source into RF energy capable of being radiated.

TP. RF transmitter power expressed in W, either mean or peak envelope, as measured at the transmitter output antenna terminals.

W. Watts.

WMTS. Wireless Medical Telemetry Service.

[64 FR 69932, Dec. 15, 1999, as amended at 65 FR 44008, July 17, 2000]

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, appendix 1 to subpart E of part 95 was amended by adding a definition for "WMTS", effective Oct. 16, 2000.

Subpart F—218-219 MHz Service

GENERAL PROVISIONS

SOURCE: 57 FR 8275, Mar. 9, 1992, unless otherwise noted.

§ 95.801 Scope.

This subpart sets out the regulations governing the licensing and operation of a 218-219 MHz system. This subpart

supplements part 1, subpart F of this chapter, which establishes the requirements and conditions under which commercial and private radio stations may be licensed and used in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the services governed by this part 95.

[64 FR 59659, Nov. 3, 1999]

§ 95.803 218–219 MHz Service description.

(a) The 218–219 MHz Service is a two-way radio service authorized for system licensees to provide communication service to subscribers in a specific service area.

(b) The components of each 218–219 MHz Service system are its administrative apparatus, its response transmitter units (RTUs), and one or more cell transmitter stations (CTSs). RTUs may be used in any location within the service area.

(c) Each 218–219 MHz Service system service area is one of the cellular system service areas as defined by the Commission.

[57 FR 8275, Mar. 9, 1992, as amended at 61 FR 32711, June 25, 1996; 64 FR 59660, Nov. 3, 1999]

§ 95.805 Permissible communications.

A 218–219 MHz Service system may provide any fixed or mobile communications service to subscribers within its service area on its assigned spectrum, consistent with the Commission's rules and the regulatory status of the system to provide services on a common carrier or private basis.

[64 FR 59660, Nov. 3, 1999]

§ 95.807 Requesting regulatory status.

(a) Authorizations for systems in the 218–219 MHz Service will be granted to provide services on a common carrier basis or a private basis, or on both a common carrier and private basis in a single authorization.

(1) *Initial applications.* An applicant will specify on FCC Form 601 if it is requesting authorization to provide services on a common carrier basis, a private basis, or on both a common carrier and private basis.

(2) *Amendment of pending applications.* Any pending application may be amended to:

(i) Change the carrier status requested; or

(ii) Add to the pending request in order to obtain both common carrier and private status in a single license.

(3) *Modification of license.* A licensee may modify a license to:

(i) change the carrier status authorized; or

(ii) add to the status authorized in order to obtain both common carrier and private status in a single license. Applications to change, or add to, carrier status in a license must be submitted on FCC Form 601 in accordance with § 1.1102 of this chapter.

(4) *Pre-existing licenses.* Licenses issued before [effective date of rules] are authorized to provide services on a private basis. Licensees may modify this initial status pursuant to paragraph (a)(3) of this section.

(b) An applicant or licensee may submit a petition at any time requesting clarification of the regulatory status required to provide a specific communications service.

[64 FR 59660, Nov. 3, 1999]

SYSTEM LICENSE REQUIREMENTS

§ 95.811 License requirements.

(a) Each 218–219 MHz Service system must be licensed in accordance with part 1, subpart F of this chapter.

(b) A CTS must be individually licensed to the 218–219 MHz Service licensee for the service area in which the CTS is located in accordance with part 1, subpart F of this chapter if it:

(1) Is in the vicinity of certain receiving locations (see § 1.924 of this chapter);

(2) May have significant environmental effect (see part 1, subpart I of this chapter);

(3) Is part of an antenna structure that requires notification to the Federal Aviation Administration (see part 17, subpart B of this chapter); or

(4) Has an antenna the tip of which exceeds:

(i) 6.1 meters (20 feet) above ground level; or

(ii) 6.1 meters (20 feet) above the top of an existing man-made structure (other than an antenna structure) on which it is mounted.

(c) All CTSs not meeting the licensing criteria under paragraph (b) of this

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section are authorized under the 218-219 MHz Service system license.

(d) Each component RTU in a 218-219 MHz Service system is authorized under the system license or if associated with an individually licensed CTS, under that CTS license.

[57 FR 8275, Mar. 9, 1992, as amended at 57 FR 36373, Aug. 13, 1992; 63 FR 68977, Dec. 14, 1998; 64 FR 59660, Nov. 3, 1999]

§ 95.812 License term.

(a) The term of each 218-219 MHz Service system license is ten years from the date of original issuance or renewal.

(b) Licenses for individually licensed CTSs will be issued for a period running concurrently with the license of the associated 218-219 MHz Service system with which it is licensed.

[64 FR 59660, Nov. 3, 1999]

§ 95.813 Eligibility.

(a) An entity is eligible to hold a 218-219 MHz Service system license and its associated individual CTS licenses if:

(1) The entity is an individual who is not a representative of a foreign government; or

(2) The entity is a partnership and no partner is a representative of a foreign government; or

(3) The entity is a corporation organized under the laws of the United States of America; or

(4) The entity is a trust and no beneficiary is a representative of a foreign government.

(b) An entity that loses its 218-219 MHz Service authorization due to failure to meet the construction requirements specified in § 95.833 of this part may not apply for a 218-219 MHz Service system license for three years from the date the Commission takes final action affirming that the 218-219 MHz Service license has been canceled.

[57 FR 8275, Mar. 9, 1992, as amended at 58 FR 25952, Apr. 29, 1993; 64 FR 59660, Nov. 3, 1999]

§ 95.815 License application.

(a) In addition to the requirements of part 1, subpart F of this chapter, each application for a 218-219 MHz Service system license must include a plan analyzing the co- and adjacent channel interference potential of the proposed

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system, identifying methods being used to minimize this interference, and showing how the proposed system will meet the service requirements set forth in § 95.831 of this part. This plan must be updated to reflect changes to the 218-219 MHz Service system design or construction.

(b) In addition to the requirements of part 1, subpart F of this chapter, each request by a 218-219 MHz Service system licensee to add, delete, or modify technical information of an individually licensed CTS (see § 95.811(b) of this part) must include a description of the system after the proposed addition, deletion, or modifications, including the population in the service area, the number of component CTSs, and an explanation of how the system will satisfy the service requirements specified in § 95.831 of this part.

[63 FR 68977, Dec. 14, 1998, as amended at 64 FR 59660, Nov. 3, 1999]

§ 95.816 Competitive bidding proceedings.

(a) Mutually exclusive initial applications for 218-219 MHz Service system licenses are subject to competitive bidding procedures. The procedures set forth in part 1, Subpart Q of this chapter will apply unless otherwise provided in this part.

(b) *Installation payments.* Eligible Licensees that elect resumption pursuant to Amendment of part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218-219 MHz Service, *Report and Order and Memorandum Opinion and Order*, FCC 99-239 (released September 10, 1999) may continue to participate in the installment payment program. Eligible Licensees are those that were current in installment payments (*i.e.* less than ninety days delinquent) as of March 16, 1998, or those that had properly filed grace period requests under the former installment payment rules. All unpaid interest from grant date through election date will be capitalized into the principal as of Election Day creating a new principal amount. Installment payments must be made on a quarterly basis. Installment payments will be calculated based on new principal amount as of Election Day and will fully amortize over the remaining term of the license.

The interest rate will equal the rate for five-year U.S. Treasury obligations at the time of licensing.

(c) *Eligibility for small business provisions.* (1) A small business is an entity that, together with its affiliates and controlling interests, has average gross revenues not to exceed \$15 million for the preceding three years.

(2) A very small business is an entity that, together with its affiliates and controlling interests, has average gross revenues not to exceed \$3 million for the preceding three years.

(3) For purposes of determining whether an entity meets either of the definitions set forth in paragraph (b)(1) or (b)(2) of this section, the gross revenues of the entity, its affiliates, and controlling interests shall be considered on a cumulative basis and aggregated.

(4) Where an applicant (or licensee) cannot identify controlling interests under the standards set forth in this section, the gross revenues of all interest holders in the applicant, and their affiliates, will be attributable.

(5) A consortium of small businesses (or a consortium of very small businesses) is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (b)(1) of this section (or each of which individually satisfies the definition in paragraph (b)(2) of this section). Where an applicant or licensee is a consortium of small businesses (or very small businesses), the gross revenues of each small business (or very small business) shall not be aggregated.

(d) *Controlling interest.* (1) For purposes of this section, controlling interests includes individuals or entities with *de jure* and *de facto* control of the applicant. *De jure* control is greater than 50 percent of the voting stock of a corporation, or in the case of a partnership, the general partner. *De facto* control is determined on a case-by-case basis. An entity must disclose its equity interest and demonstrate at least the following indicia of control to establish that it retains *de facto* control of the applicant:

(i) The entity constitutes or appoints more than 50 percent of the board of directors or management committee;

(ii) The entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; and

(iii) the entity plays an integral role in management decisions.

(2) *Calculation of certain interests.* (i) Ownership interests shall be calculated on a fully diluted basis; all agreements such as warrants, stock options and convertible debentures will generally be treated as if the rights thereunder already have been fully exercised.

(ii) Partnership and other ownership interests and any stock interest equity, or outstanding stock, or outstanding voting stock shall be attributed as specified below.

(iii) Stock interests held in trust shall be attributed to any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and, to any person who has the right to revoke the trust at will or to replace the trustee at will. If the trustee has a familial, personal, or extra-trust business relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the stock interests held in trust.

(iv) Non-voting stock shall be attributed as an interest in the issuing entity.

(v) Limited partnership interests shall be attributed to limited partners and shall be calculated according to both the percentage of equity paid in and the percentage of distribution of profits and losses.

(vi) Officers and directors of an entity shall be considered to have an attributable interest in the entity. The officers and directors of an entity that controls a licensee or applicant shall be considered to have an attributable interest in the licensee or applicant.

(vii) Ownership interests that are held indirectly by any party through one or more intervening corporations

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will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

(viii) Any person who manages the operations of an applicant or licensee pursuant to a management agreement shall be considered to have an attributable interest in such applicant or licensee if such person, or its affiliate pursuant to §1.2110(b)(4) of this chapter, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence:

(A) The nature or types of services offered by such an applicant or licensee;

(B) The terms upon which such services are offered; or

(C) The prices charged for such services.

(ix) Any licensee or its affiliate who enters into a joint marketing arrangement with an applicant or licensee, or its affiliate, shall be considered to have an attributable interest, if such applicant or licensee, or its affiliate, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence:

(A) The nature or types of services offered by such an applicant or licensee;

(B) The terms upon which such services are offered; or

(C) The prices charged for such services.

(e) *Bidding credits.* A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this subsection may use the bidding credit specified in §1.2110(e)(2)(ii) of this chapter. A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in this subsection may use the bidding credit specified in accordance to §1.2110(e)(2)(i) of this chapter.

(f) Winning bidders in Auction No. 1, which took place on July 28-29, 1994,

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that, at the time of that auction, met the qualifications under the Commission's rules then in effect, for small business status will receive a twenty-five percent bidding credit pursuant to Amendment of part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218-219 MHz Service, *Report and Order and Memorandum Opinion and Order*, FCC 99-239 (released September 10, 1999).

[64 FR 59660, Nov. 3, 1999]

§95.819 License transferability.

(a) A 218-219 MHz Service system license acquired through competitive bidding procedures (including licenses obtained in cases of no mutual exclusivity), together with all of its component CTS licenses, may be transferred, assigned, sold, or given away only in accordance with the provisions and procedures set forth in 47 CFR 1.2111.

(b) A 218-219 MHz Service system license obtained through random selection procedures, together with all of its component CTS licenses, may be transferred, assigned, sold, or given away, to any other entity in accordance with the provisions and procedures set forth in §1.948 of this chapter.

(c) If the transfer, assignment, sale, or gift of a license is approved, the new licensee is held to the construction requirements set forth in §95.833 of this part.

[64 FR 59661, Nov. 3, 1999]

§95.823 Geographic partitioning and spectrum disaggregation.

(a) *Eligibility.* Parties seeking Commission approval of geographic partitioning or spectrum disaggregation of 218-219 MHz Service system licenses shall request an authorization for partial assignment of license pursuant to §1.948 of this chapter.

(b) *Technical standards—(1) Partitioning.* In the case of partitioning, requests for authorization of partial assignment of a license must include, as attachments, a description of the partitioned service area and a calculation of the population of the partitioned service area and the licensed geographic service area. The partitioned service area shall be defined by coordinate

points at every 3 seconds along the partitioned service area unless an FCC-recognized service area (*i.e.* Economic Areas) is utilized or county lines are followed. The geographic coordinates must be specified in degrees, minutes, and seconds, to the nearest second of latitude and longitude, and must be based upon the 1983 North American Datum (NAD83). In the case where an FCC-recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined partitioning and disaggregation.* The Commission will consider requests for partial assignments of licenses that propose combinations of partitioning and disaggregation.

(c) *Provisions applicable to designated entities—(1) Unjust enrichment.* See § 1.2111(e) of this chapter.

(2) *Parties not qualified for installment payment plans.* (i) When a winning bidder (partitionor or disaggregator) that elected to pay for its license through an installment payment plan partitions its license or disaggregates spectrum to another party (partioneer or disaggregatee) that would not qualify for an installment payment plan, or elects not to pay for its share of the license through installment payments, the outstanding principal balance owed by the partitionor or disaggregator shall be apportioned according to § 1.2111(e)(3) of this chapter. The partitionor or disaggregator is responsible for accrued and unpaid interest through and including the consummation date.

(ii) The partioneer or disaggregatee shall, as a condition of the approval of the partial assignment application, pay its entire *pro rata* amount of the outstanding principal balance on or before the consummation date. Failure to meet this condition will result in cancellation of the grant of the partial assignment application.

(iii) The partitionor or disaggregator shall be permitted to continue to pay its *pro rata* share of the outstanding balance and, if applicable, shall receive loan documents evidencing the parti-

tioning and disaggregation. The original interest rate, established pursuant to § 1.2110(f)(3)(i) of this chapter at the time of the grant of the initial license in the market, shall continue to be applied to the partitionor's or disaggregator's portion of the remaining government obligation.

(iv) A default on the partitionor's or disaggregator's payment obligation will affect only the partitionor's or disaggregator's portion of the market.

(3) Parties qualified for installment payment plans.

(i) Where both parties to a partitioning or disaggregation agreement qualify for installment payments, the partioneer or disaggregatee will be permitted to make installment payments on its portion of the remaining government obligation.

(ii) Each party may be required, as a condition to approval of the partial assignment application, to execute loan documents agreeing to pay its *pro rata* portion of the outstanding principal balance due, as apportioned according to § 1.2111(e)(3) of this chapter, based upon the installment payment terms for which it qualifies under the rules. Failure by either party to meet this condition will result in the automatic cancellation of the grant of the partial assignment application. The interest rate, established pursuant to § 1.2110(f)(3)(i) of this chapter at the time of the grant of the initial license in the market, shall continue to be applied to both parties' portion of the balance due. Each party will receive a license for its portion of the partitioned market.

(iii) A default on an obligation will affect only that portion of the market area held by the defaulting party.

(d) *Construction requirements—(1) Partitioning.* Partial assignors and assignees for license partitioning have two options to meet construction requirements. Under the first option, the partitionor and partioneer would each certify that they will independently satisfy the applicable construction requirements set forth in § 95.833 of this part for their respective partitioned areas. If either licensee failed to meet its requirement in § 95.833 of this part, only the non-performing licensee's renewal application would be subject to

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dismissal. Under the second option, the partitionor certifies that it has met or will meet the requirement in §95.833 of this part for the entire market. If the partitionor fails to meet the requirement in §95.833 of this part, however, only its renewal application would be subject to forfeiture at renewal.

(2) *Disaggregation.* Partial assignors and assignees for license disaggregation have two options to meet construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the applicable construction requirements set forth in §95.833 of this part for the geographic service area. If parties choose this option and either party fails to do so, both licenses would be subject to forfeiture at renewal. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the requirement in §95.833 of this part for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the non-performing party would be subject to forfeiture at renewal.

(3) All applications requesting partial assignments of license for partitioning or disaggregation must include the above-referenced certification as to which of the construction options is selected.

(4) Responsible parties must submit supporting documents showing compliance with the respective construction requirements within the appropriate construction benchmarks set forth in §95.833 of this part.

[64 FR 59662, Nov. 3, 1999]

SYSTEM REQUIREMENTS

§ 95.831 Service requirements.

Subject to the initial construction requirements of §95.833 of this subpart, each 218-219 MHz Service system license must demonstrate that it provides substantial service within the service area. Substantial service is defined as a service that is sound, favorable, and substantially above a level of

service which might minimally warrant renewal.

[64 FR 59662, Nov. 3, 1999]

§ 95.833 Construction requirements.

(a) Each 218-219 MHz Service licensee must make a showing of "substantial service" within ten years of the license grant. A "substantial service" assessment will be made at renewal pursuant to the provisions and procedures contained in §1.949 of this chapter.

(b) Each 218-219 MHz Service licensee must file a report to be submitted to inform the Commission of the service status of its system. The report must be labeled as an exhibit to the renewal application. At minimum, the report must include:

(1) A description of its current service in terms of geographic coverage and population served;

(2) An explanation of its record of expansion, including a timetable of new construction to meet changes in demand for service;

(3) A description of its investments in its 218-219 MHz Service systems;

(4) A list, including addresses, of all component CTSs constructed; and

(5) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(c) Failure to demonstrate that substantial service is being provided in the service area will result in forfeiture of the license, and will result in the licensee's ineligibility to apply for 218-219 MHz Service licenses for three years from the date the Commission takes final action affirming that the 218-219 MHz Service license has been canceled pursuant to §95.813 of this part.

[64 FR 59662, Nov. 3, 1999]

§ 95.835 Station identification.

No RTU or CTS is required to transmit a station identification announcement.

§ 95.837 Station inspection.

Upon request by an authorized Commission representative, the 218-219 MHz Service system licensee must make

any component CTS available for inspection.

TECHNICAL STANDARDS

§ 95.851 Certification.

Each CTS and RTU transmitter must be certificated for use in the 218–219 MHz Service in accordance with subpart J of part 2 of this chapter.

[63 FR 36611, July 7, 1998]

§ 95.853 Frequency segments.

There are two frequency segments available for assignment to the 218–219 MHz Service in each service area. Frequency segment A is 218.000–218.500 MHz. Frequency segment B is 218.501–219.000 MHz.

[64 FR 59663, Nov. 3, 1999]

§ 95.855 Transmitter effective radiated power limitation.

The effective radiated power (ERP) of each CTS and RTU shall be limited to the minimum necessary for successful communications. No CTS or fixed RTU may transmit with an ERP exceeding 20 watts. No mobile RTU may transmit with an ERP exceeding 4 watts.

[64 FR 59663, Nov. 3, 1999]

§ 95.857 Emission standards.

(a) All transmissions by each CTS and by each RTU shall use an emission type that complies with the following standard for unnecessary radiation.

(b) All spurious and out-of-band emissions shall be attenuated:

(1) Zero dB on any frequency within the authorized frequency segment.

(2) At least 28 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 250 kHz up to and including 750 kHz;

(3) At least 35 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 750 kHz up to and including 1250 kHz;

(4) At least 43 plus 10 log (base 10) (mean power in watts) dB on any frequency removed from the midpoint of the assigned frequency segment by more than 1250 kHz.

(c) When testing for certification, all measurements of unnecessary radi-

ation are performed using a carrier frequency as close to the edge of the authorized frequency segment as the transmitter is designed to be capable of operating.

(d) The resolution bandwidth of the instrumentation used to measure the emission power shall be 100 Hz for measuring emissions up to and including 250 kHz from the edge of the authorized frequency segment, and 10 kHz for measuring emissions more than 250 kHz from the edge of the authorized frequency segment. If a video filter is used, its bandwidth shall not be less than the resolution bandwidth. The power level of the highest emission within the frequency segment, to which the attenuation is referenced, shall be remeasured for each change in resolution bandwidth.

[57 FR 8275, Mar. 9, 1992, as amended at 63 FR 36611, July 7, 1998]

§ 95.859 Antennas.

(a) The overall height from ground to topmost tip of the CTS antenna shall not exceed the height necessary to assure adequate service. Certain CTS antennas must be individually licensed to the 218–219 MHz System licensee (see § 95.811(b) of this part) and the antenna structures of which they are a part must be registered with the Commission (see part 17 of this chapter).

(b) [Reserved]

(c) The RTU may be connected to an external antenna not more than 6.1 m (20 feet) above ground or above an existing man-made structure (other than an antenna structure). Connectors that are used to connect RTUs to an external antenna shall not be of the types generally known as “F-type” or “BNC type.” Use of an external antenna is subject to § 95.861.

[57 FR 36373, Aug. 13, 1992, as amended at 64 FR 59663, Nov. 3, 1999]

§ 95.861 Interference.

(a) When a 218–219 MHz Service system suffers harmful interference within its service area or causes harmful interference to another 218–219 MHz Service system, the licensees of both systems must cooperate and resolve the problem by mutually satisfactory arrangements. If the licensees are unable

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to do so, the Commission may impose restrictions including, but not limited to, specifying the transmitter power, antenna height or area, duty cycle, or hours of operation for the stations concerned.

(b) The use of any frequency segment (or portion thereof) at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of a frequency segment (or portion thereof) specified for the 218-219 MHz Service system may be restricted as to specified geographical areas, maximum power, or other operating conditions.

(c) A 218-219 MHz Service licensee must provide a copy of the plan required by § 95.815(b) of this part to every TV Channel 13 station whose Grade B predicted contour overlaps the licensed service area for the 218-219 MHz Service system. The 218-219 MHz Service licensee must send the plan to the TV Channel 13 licensee(s) within 10 days from the date the 218-219 MHz Service licensee submits the plan to the Commission, and the 218-219 MHz Service licensee must send updates to this plan to the TV Channel 13 licensee(s) within 10 days from the date that such updates are filed with the Commission pursuant to § 95.815(b) of this part.

(d) Each 218-219 MHz Service system licensee must provide upon request, and install free of charge, an interference reduction device to any household within a TV Channel 13 station Grade B predicted contour that experiences interference due to a component CTS or RTU.

(e) Each 218-219 MHz Service system licensee must investigate and eliminate harmful interference to television broadcasting and reception, from its component CTSs and RTSs, within 30 days of the time it is notified in writing, by either an affected television station, an affected viewer, or the Commission, of an interference complaint. Should the licensee fail to eliminate the interference within the 30-day period, the CTS(s) or RTU(s) causing the problem(s) must discontinue operation.

(f) The boundary of the 218-219 MHz Service system, as defined in its authorization, is the limit of interference

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protection for that 218-219 MHz Service system.

[64 FR 59663, Nov. 3, 1999]

Subpart G—Low Power Radio Service (LPRS)

SOURCE: 61 FR 46569, Sept. 4, 1996, unless otherwise noted.

GENERAL PROVISIONS

§ 95.1001 Eligibility.

An entity is authorized by rule to operate a LPRS transmitter and is not required to be individually licensed by the FCC if it is not a representative of a foreign government and if it uses the transmitter only in accordance with § 95.1009. Each entity operating a LPRS transmitter for AMTS purposes must hold an AMTS license under part 80 of this chapter.

§ 95.1003 Authorized locations.

LPRS operation is authorized:

(a) Anywhere CB station operation is permitted under § 95.405(a); and

(b) Aboard any vessel or aircraft of the United States, with the permission of the captain, while the vessel or aircraft is either travelling domestically or in international waters or airspace.

(c) Anyone intending to operate an LPRS transmitter on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra in a manner that could pose an interference threat to the Arecibo Observatory shall notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the location of the unit. Operators may wish to consult interference guidelines, which will be provided by Cornell University. Operators who choose to transmit information electronically should e-mail to: prcz@naic.edu.

(1) The notification to the Interference Office, Arecibo Observatory shall be made 45 days prior to commencing operation of the transmitter. The notification shall state the geographical coordinates of the unit.

(2) After receipt of such notifications, the Commission will allow the Arecibo Observatory a period of 20 days for

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comments or objections. The operator will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory. If the Commission determines that an operator has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, the unit may be allowed to operate.

[61 FR 46569, Sept. 4, 1996, as amended at 62 FR 55536, Oct. 27, 1997]

§ 95.1005 Station identification.

An LPRS station is not required to transmit a station identification announcement.

§ 95.1007 Station inspection.

All LPRS system apparatus must be made available for inspection upon request by an authorized FCC representative.

§ 95.1009 Permissible communications.

LPRS stations may transmit voice, data, or tracking signals as permitted in this section. Two-way voice communications are prohibited.

(a) Auditory assistance communications (including but not limited to applications such as assistive listening devices, audio description for the blind, and simultaneous language translation) for:

(1) Persons with disabilities. In the context of the LPRS, the term "disability" has the meaning given to it by section 3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)(A)), *i.e.*, persons with a physical or mental impairment that substantially limits one or more of the major life activities of such individuals;

(2) Persons who require language translation; or

(3) Persons who may otherwise benefit from auditory assistance communications in educational settings.

(b) Health care related communications for the ill.

(c) Law enforcement tracking signals (for homing or interrogation) including the tracking of persons or stolen goods under authority or agreement with a law enforcement agency (federal, state, or local) having jurisdiction in the area where the transmitters are placed.

(d) AMTS point-to-point network control communications.

§ 95.1011 Channel use policy.

(a) The channels authorized to LPRS systems by this part are available on a shared basis only and will not be assigned for the exclusive use of any entity.

(b) Those using LPRS transmitters must cooperate in the selection and use of channels in order to reduce interference and make the most effective use of the authorized facilities. Channels must be selected in an effort to avoid interference to other LPRS transmissions.

(c) Operation is subject to the conditions that no harmful interference is caused to the United States Navy's SPASUR radar system (216.88–217.08 MHz) or to TV reception within the Grade B contour of any TV channel 13 station or within the 68 dBu predicted contour of any low power TV or TV translator station operating on channel 13.

§ 95.1013 Antennas.

(a) The maximum allowable ERP for a station in the LPRS is 100 mW.

(b) AMTS stations must employ directional antennas.

(c) Antennas used with LPRS units must comply with the following:

(1) For LPRS units operating entirely within an enclosed structure, *e.g.*, a building, there is no limit on antenna height;

(2) For LPRS units not operating entirely within an enclosed structure, the tip of the antenna shall not exceed 30.5 meters (100 feet) above ground. In cases where harmful interference occurs the FCC may require that the antenna height be reduced; and

(3) The height limitation in paragraph (c)(2) of this section does not apply to LPRS units in which the antenna is an integral part of the unit.

§ 95.1015 Disclosure policies.

(a) Manufacturers of LPRS transmitters used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement: "This transmitter is authorized by rule under the

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Low Power Radio Service (47 C.F.R. Part 95) and must not cause harmful interference to TV reception or United States Navy SPASUR installations. You do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or automated maritime telecommunications system (AMTS) network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited.”

(b) Prior to operating a LPRS transmitter for AMTS purposes, an AMTS licensee must notify, in writing, each television station that may be affected by such operations, as defined in § 80.215(h) of this chapter. The notification provided with the station’s license application is sufficient to satisfy this requirement if no new television stations would be affected.

§ 95.1017 Labeling requirements.

(a) Each LPRS transmitting device shall bear the following statement in a conspicuous location on the device: “This device may not interfere with TV reception or federal government radar, and must accept any interference received, including interference that may cause undesired operation.”

(b) Where an LPRS device is constructed in two or more sections connected by wires and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(c) When the LPRS device is so small or for such use that it is not practicable to place the statement specified in the section on it, the statement must be placed in a prominent location in the instruction manual or pamphlet supplied to the user or, alternatively, shall be placed on the container in which the device is marketed.

§ 95.1019 Marketing limitations.

Transmitters intended for operation in the LPRS may be marketed and sold

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only for those uses described in § 95.1009.

[64 FR 69933, Dec. 15, 1999]

Subpart H—Wireless Medical Telemetry Service (WMTS)

SOURCE: 65 FR 44008, July 17, 2000, unless otherwise noted.

EFFECTIVE DATE NOTE: At 65 FR 44008, July 17, 2000, subpart H to part 95 was added, effective Oct. 16, 2000.

GENERAL PROVISIONS

§ 95.1101 Scope.

This part sets out the regulations governing the operation of Wireless Medical Telemetry Devices in the 608–614 MHz, 1395–1400 MHz and 1429–1432 MHz frequency bands.

§ 95.1103 Definitions.

(a) Authorized health care provider. A physician or other individual authorized under state or federal law to provide health care services, or any other health care facility operated by or employing individuals authorized under state or federal law to provide health care services, or any trained technician operating under the supervision and control of an individual or health care facility authorized under state or federal law to provide health care services.

(b) Health care facility. A health care facility includes hospitals and other establishments that offer services, facilities and beds for use beyond a 24 hour period in rendering medical treatment, and institutions and organizations regularly engaged in providing medical services through clinics, public health facilities, and similar establishments, including government entities and agencies such as Veterans Administration hospitals; except the term health care facility does not include an ambulance or other moving vehicle.

(c) Wireless medical telemetry. The measurement and recording of physiological parameters and other patient-related information via radiated bi-or unidirectional electromagnetic signals in the 608–614 MHz, 1395–1400 MHz, and 1429–1432 MHz frequency bands.

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§ 95.1105 Eligibility.

Authorized health care providers are authorized by rule to operate transmitters in the Wireless Medical Telemetry Service without an individual license issued by the Commission provided the coordination requirements in § 95.1111 have been met. Manufacturers of wireless medical telemetry devices and their representatives are authorized to operate wireless medical telemetry transmitters in this service solely for the purpose of demonstrating such equipment to, or installing and maintaining such equipment for, duly authorized health care providers. No entity that is a foreign government or which is active in the capacity as a representative of a foreign government is eligible to operate a WMTS transmitter.

§ 95.1107 Authorized locations.

The operation of a wireless medical telemetry transmitter under this part is authorized anywhere within a health care facility provided the facility is located anywhere a CB station operation is permitted under § 95.405. This authority does not extend to mobile vehicles, such as ambulances, even if those vehicles are associated with a health care facility.

§ 95.1109 Equipment authorization requirement.

(a) Wireless medical telemetry devices operating under this part must be authorized under the certification procedure prior to marketing or use in accordance with the provisions of part 2, subpart J of this chapter.

(b) Each device shall be labeled with the following statement:

Operation of this equipment requires the prior coordination with a frequency coordinator designated by the FCC for the Wireless Medical Telemetry Service.

§ 95.1111 Frequency coordination.

(a) Prior to operation, authorized health care providers who desire to use wireless medical telemetry devices must register all devices with a designated frequency coordinator. The registration must include the following information:

(1) Specific frequencies or frequency range(s) used;

(2) Modulation scheme used (including occupied bandwidth);

(3) Effective radiated power;

(4) Number of transmitters in use at the health care facility as of the date of registration including manufacturer name(s) and model numbers);

(5) Legal name of the authorized health care provider;

(6) Location of transmitter (coordinates, street address, building);

(7) Point of contact for the authorized health care provider (name, title, office, phone number, fax number, e-mail address).

(b) An authorized health care provider shall notify the frequency coordinator whenever a medical telemetry device is permanently taken out of service, unless the device is replaced with another transmitter utilizing the same technical characteristics as those reported on the effective registration. An authorized health care provider shall maintain the information contained in each registration current in all material respects, and shall notify the frequency coordinator when any change is made in the location or operating parameters previously reported which is material.

§ 95.1113 Frequency coordinator.

(a) The Commission will designate a frequency coordinator(s) to manage the usage of the frequency bands for the operation of medical telemetry devices.

(b) The frequency coordinator shall

(1) Review and process coordination requests submitted by authorized health care providers as required in § 95.1111;

(2) Maintain a database of WMTS use;

(3) Notify users of potential conflicts; and

(4) Coordinate WMTS operation with radio astronomy observatories and Federal Government radar systems as specified in §§ 95.1119 and 95.1121.

§ 95.1115 General technical requirements.

(a) *Field strength limits.* (1) In the 608–614 MHz band, the maximum allowable field strength is 200 mV/m, as measured

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at a distance of 3 meters, using measuring instrumentation with a CISPR quasi-peak detector.

(2) In the 1395–1400 MHz and 1429–1432 MHz bands, the maximum allowable field strength is 740 mV/m, as measured at a distance of 3 meters, using measuring equipment with an averaging detector and a 1 MHz measurement bandwidth.

(b) *Undesired emissions.* (1) Out-of-band emissions below 960 MHz are limited to 200 µm, as measured at a distance of 3 meters, using measuring instrumentation with a CISPR quasi-peak detector.

(2) Out-of-band emissions above 960 MHz are limited to 500 µm as measured at a distance of 3 meters using measuring equipment with an averaging detector and a 1 MHz measurement bandwidth.

(c) *Emission types.* A wireless medical telemetry device may transmit any emission type appropriate for communications in this service, except for video and voice. Waveforms such as electrocardiograms (ECGs) are not considered video.

(d) *Channel use.* (1) In the 1395–1400 MHz and 1429–1432 MHz bands, no specific channels are specified. Wireless medical telemetry devices may operate on any channel within the bands authorized for wireless medical telemetry use in this part.

(2) In the 608–614 MHz band, wireless medical telemetry devices utilizing broadband technologies such as spread spectrum shall be capable of operating within one or more of the following channels of 1.5 MHz each, up to a maximum of 6 MHz, and shall operate on the minimum number of channels necessary to avoid harmful interference to any other wireless medical telemetry devices.

608.0–609.5 MHz

609.5–611.0 MHz

611.0–612.5 MHz

612.5–614.0 MHz

(3) Channel usage is on a co-primary shared basis only, and channels will not be assigned for the exclusive use of any entity.

(4) Authorized health care providers, in conjunction with the equipment manufacturers, must cooperate in the selection and use of frequencies in

order to reduce the potential for interference with other wireless medical telemetry devices, or other co-primary users. Operations in the 608–614 MHz band (television channel 37) are not protected from adjacent band interference from broadcast television operating on channels 36 and 38.

(e) *Frequency stability.* Manufacturers of wireless medical telemetry devices are responsible for ensuring frequency stability such that an emission is maintained within the band of operation under all of the manufacturer’s specified conditions.

§95.1117 Types of communications.

(a) All types of communications except voice and video are permitted, on both a unidirectional and bidirectional basis, provided that all such communications are related to the provision of medical care. Waveforms such as electrocardiograms (ECGs) are not considered video.

(b) Operations that comply with the requirements of this part may be conducted under manual or automatic control, and on a continuous basis.

§95.1119 Specific requirements for wireless medical telemetry devices operating in the 608–614 MHz band.

For a wireless medical telemetry device operating within the frequency range 608–614 MHz and that will be located near the radio astronomy observatories listed below, operation is not permitted until a WMTS frequency coordinator specified in §95.1113 has coordinated with, and obtain the written concurrence of, the director of the affected radio astronomy observatory before the equipment can be installed or operated

(a) Within 80 kilometers of:

(1) National Astronomy and Ionosphere Center, Arecibo, Puerto Rico: 18°20’38.28” North Latitude, 66°45’09.42” West Longitude.

(2) National Radio Astronomy Observatory, Socorro, New Mexico: 34°04’43” North Latitude, 107°37’04” West Longitude.

(3) National Radio Astronomy Observatory, Green Bank, West Virginia: 38°26’08” North Latitude, 79°49’42” West Longitude.

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(b) Within 32 kilometers of the National Radio Astronomy Observatory centered on:

Very long baseline array stations	Latitude (north)	Longitude (west)
Pie Town, NM	34° 18'	108° 07'
Kitt Peak, AZ	31° 57'	111° 37'
Los Alamos, NM	35° 47'	106° 15'
Fort Davis, TX	30° 38'	103° 57'
North Liberty, IA	41° 46'	91° 34'
Brewster, WA	48° 08'	119° 41'
Owens Valley, CA	37° 14'	118° 17'
Saint Croix, VI	17° 46'	64° 35'
Mauna Kea, HI	19° 49'	155° 28'
Hancock, NH	42° 56'	71° 59'

The National Science Foundation point of contact for coordination is: Spectrum Manager, Division of Astronomical Sciences, NSF Room 1045, 4201 Wilson Blvd., Arlington, VA 22230, telephone: 703-306-1823.

§ 95.1121 Specific requirements for wireless medical telemetry devices operating in the 1395-1400 MHz and 1429-1432 MHz bands.

Due to the critical nature of communications transmitted under this part, the frequency coordinator in consultation with the National Telecommunications and Information Administration shall determine whether there are any federal government radar systems whose operations could affect, or could be affected by, proposed wireless medical telemetry operations in the 1395-1400 MHz and 1429-1432 MHz bands. The locations of government radar systems in these bands are specified in footnotes US351 and US352 of § 2.106 of this chapter.

§ 95.1123 Protection of medical equipment.

The manufacturers, installers and users of WMTS equipment are cautioned that the operation of this equipment could result in harmful interference to other nearby medical devices.

§ 95.1125 RF safety.

Portable devices as defined in § 2.1093(b) of this chapter operating in the WMTS are subject to radio frequency radiation exposure requirements as specified in §§ 1.1307(b) and 2.1093 of this chapter. Applications for equipment authorization of WMTS devices must contain a statement con-

firming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

§ 95.1127 Station identification.

A WMTS station is not required to transmit a station identification announcement.

§ 95.1129 Station inspection.

All WMTS transmitters must be available for inspection upon request by an authorized FCC representative.

Subpart I—Medical Implant Communications (MICS)

SOURCE: 64 FR 69933, Dec. 15, 1999, unless otherwise noted.

§ 95.1201 Eligibility.

Operation in the MICS is permitted by rule and without an individual license issued by the FCC. A person is permitted to operate medical implant transmitters connected to medical implant devices that have been implanted in that person by a duly authorized health care professional and medical implant programmer/control transmitters associated with their medical implant transmitter(s). Duly authorized health care professionals are permitted by rule to operate MICS transmitters. Manufacturers of medical implant devices and MICS transmitters and their representatives are authorized to operate transmitters in this service for the purpose of demonstrating such equipment to duly authorized health care professionals. No entity that is a foreign government or which is acting in its capacity as a representative of a foreign government is eligible to operate a MICS transmitter. The term "duly authorized health care professional" means a physician or other individual authorized under state or federal law to provide health care services using medical implant devices. Operations that comply with the requirements of this part may be conducted under manual or automatic control.

§ 95.1203

§ 95.1203 Authorized locations.

MICS operation is authorized anywhere CB station operation is authorized under § 95.405.

§ 95.1205 Station identification.

A MICS station is not required to transmit a station identification announcement.

§ 95.1207 Station inspection.

All non-implanted MICS apparatus must be made available for inspection upon request by an authorized FCC representative. Persons operating implanted medical implant transmitters shall cooperate reasonably with duly authorized FCC representatives in the resolution of interference.

§ 95.1209 Permissible communications.

(a) Except for the purposes of testing and for demonstrations to health care professionals, medical implant programmer/control transmitters may transmit only operational, diagnostic and therapeutic information associated with a medical implant device that has been implanted by a duly authorized health care professional.

(b) Except in response to a medical implant event, no medical implant transmitter shall transmit except in response to a transmission from a medical implant programmer/control transmitter or a non-radio frequency actuation signal generated by a device external to the body in which the medical implant transmitter is implanted or is to be implanted.

(c) Medical implant programmer/control transmitters may be interconnected with other telecommunications systems including the public switched telephone network.

(d) Medical implant programmer/control transmitters may transmit during a MICS communications session, as defined in § 95.628, for the purpose of facilitating MICS system operation for no more than 5 seconds without the communications of data.

(e) Medical implant programmer/control transmitters may not be used to relay information to a receiver that is not included with a medical implant device. Wireless retransmission of information intended to be transmitted

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by a medical implant programmer/control transmitter or information received from a medical implant transmitter shall be conducted using other radio services that operate in spectrum outside of the MICS band.

§ 95.1211 Channel use policy.

(a) The channels authorized for MICS operation by this part of the FCC Rules are available on a shared basis only and will not be assigned for the exclusive use of any entity.

(b) Those using MICS transmitters must cooperate in the selection and use of channels in order to reduce interference and make the most effective use of the authorized facilities. Channels must be selected in an effort to avoid interference to other MICS transmissions. See § 95.628.

(c) Operation is subject to the condition that no harmful interference is caused to stations operating in the 400.150–406.000 MHz band in the Meteorological Aids, Meteorological Satellite, or Earth Exploration Satellite Services. MICS stations must accept any interference from stations operating in the 400.150–406.000 MHz band in the Meteorological Aids, Meteorological Satellite, or Earth Exploration Satellite Services.

§ 95.1213 Antennas.

No antenna for a medical implant programmer/control transmitter shall be configured for permanent outdoor use, provided, however, that any antenna used outdoors shall not be affixed to any structure for which the height to the tip of the antenna will exceed three (3) meters (9.8 feet) above ground.

§ 95.1215 Disclosure policies.

(a) Manufacturers of MICS transmitters must include with each transmitting device the following statement: "This transmitter is authorized by rule under the Medical Implant Communications Service (part 95 of the FCC Rules) and must not cause harmful interference to stations operating in the 400.150–406.000 MHz band in the Meteorological Aids (*i.e.* transmitters and receivers used to communicate weather data), the Meteorological Satellite, or

the Earth Exploration Satellite Services and must accept interference that may be caused by such aids, including interference that may cause undesired operation. This transmitter shall be used only in accordance with the FCC Rules governing the Medical Implant Communications Service. Analog and digital voice communications are prohibited. Although this transmitter has been approved by the Federal Communications Commission, there is no guarantee that it will not receive interference or that any particular transmission from this transmitter will be free from interference.”

§95.1217 Labeling requirements.

(a) Medical implant programmer/controller transmitters shall be labeled as provided in part 2 of this chapter and shall bear the following statement in a conspicuous location on the device:

This device may not interfere with stations operating in the 400.150–406.000 MHz band in the Meteorological Aids, Meteorological Satellite, and Earth Exploration Satellite Services and must accept any interference received, including interference that may cause undesired operation.

(b) Where a medical implant programmer/control transmitter is constructed in two or more sections connected by wire and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(c) Medical implant transmitters shall be identified with a serial number. The FCC ID number associated with the transmitter and the information required by §2.925 of the FCC Rules may be placed in the instruction manual for the transmitter and on the shipping container for the transmitter, in lieu of being placed directly on the transmitter.

§95.1219 Marketing limitations.

Transmitters intended for operation in the MICS may be marketed and sold only for those uses described in §95.1209 of this part.

PART 97—AMATEUR RADIO SERVICE

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