

## Union Calendar No. 533

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2346

[Report No. 106-883]

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

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1999

Mr. EHLERS (for himself, Mr. COBLE, Mr. DINGELL, Mr. UPTON, Mr. HOBSON, Mr. HOEKSTRA, Mr. TRAFICANT, and Mr. CAMPBELL) introduced the following bill; which was referred to the Committee on Commerce

SEPTEMBER 22, 2000

Additional sponsors: Mr. KUCINICH and Mr. GARY MILLER of California

SEPTEMBER 22, 2000

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

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

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

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

3 Section 302 of the Communications Act of 1934 (47  
4 U.S.C. 302a) is amended by adding at the end the fol-  
5 lowing:

6 “(f)(1) Except as provided in paragraph (2), a State  
7 or local government may enact a statute or ordinance that  
8 prohibits a violation of the following regulations of the  
9 Commission under this section:

10 “(A) A regulation that prohibits a use of citi-  
11 zens band radio equipment not authorized by the  
12 Commission.

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

16 “(2) A station that is licensed by the Commission  
17 pursuant to section 301 in any radio service for the oper-  
18 ation at issue shall not be subject to action by a State  
19 or local government under this subsection. A State or local  
20 government statute or ordinance enacted for purposes of  
21 this subsection shall identify the exemption available  
22 under this paragraph.

23 “(3) The Commission shall provide technical guid-  
24 ance to State and local governments regarding the detec-  
25 tion and determination of violations of the regulations  
26 specified in paragraph (1).

1       “(4)(A) In addition to any other remedy authorized  
2 by law, a person affected by the decision of a State or  
3 local government enforcing a statute or ordinance under  
4 paragraph (1) may submit to the Commission an appeal  
5 of the decision on the grounds that the State or local gov-  
6 ernment, as the case may be, enacted a statute or ordi-  
7 nance outside the authority provided in this subsection.

8       “(B) A person shall submit an appeal on a decision  
9 of a State or local government to the Commission under  
10 this paragraph, if at all, not later than 30 days after the  
11 date on which the decision by the State or local govern-  
12 ment becomes final, but prior to seeking judicial review  
13 of such decision.

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

17       “(D) If the Commission determines under subpara-  
18 graph (C) that a State or local government has acted out-  
19 side its authority in enforcing a statute or ordinance, the  
20 Commission shall preempt the decision enforcing the stat-  
21 ute or ordinance.

22       “(5) The enforcement of statute or ordinance that  
23 prohibits a violation of a regulation by a State or local  
24 government under paragraph (1) in a particular case shall

1 not preclude the Commission from enforcing the regula-  
2 tion in that case concurrently.

3 “(6) Nothing in this subsection shall be construed to  
4 diminish or otherwise affect the jurisdiction of the Com-  
5 mission under this section over devices capable of inter-  
6 fering with radio communications.

7 “(7) The enforcement of a statute or ordinance by  
8 a State or local government under paragraph (1) with re-  
9 gard to citizens band radio equipment on board a ‘com-  
10 mercial motor vehicle’, as defined in section 31101 of title  
11 49, United States Code, shall require probable cause to  
12 find that the commercial motor vehicle or the individual  
13 operating the vehicle is in violation of the regulations de-  
14 scribed in paragraph (1). Probable cause shall be defined  
15 in accordance with the technical guidance provided by the  
16 Commission under paragraph (3).”



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