

RULES AND REGULATIONS

Part 95 | *Citizens Radio Service*

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FEDERAL COMMUNICATIONS COMMISSION



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AUTHORITY: §§ 95.1 to 95.147 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. Sub-chap. I, III-VI.

SUBPART A—GENERAL**§ 95.1 Basis and purpose.**

The rules and regulations set forth in this part are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations. These rules are designed to provide for private short-distance radiocommunications service for the business or personal activities of licensees, for radio signaling, for the control of remote objects or devices by means of radio; all to the extent that these uses are not specifically prohibited in this part. They also provide for procedures whereby manufacturers of radio equipment to be used or operated in the Citizens Radio Service may obtain type acceptance and/or type approval of such equipment as may be appropriate.

§ 95.3 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of services.

Citizens Radio Service. A radiocommunications service of fixed, land, and mobile stations intended for short-distance personal or business radiocommunications, radio signaling, and control of remote objects or devices by radio; all to the extent that these uses are not specifically prohibited in this part.

Fixed service. A service of radiocommunication between specified fixed points.

Mobile service. A service of radiocommunication between mobile and land stations or between mobile stations.

(b) Definitions of stations.

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

Class A station. A station in the Citizens Radio Service licensed to be operated on an assigned frequency in the 460–470 MHz band and with input power of 60 watts or less.

Class B station. A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 460–470 MHz band and with input power of 5 watts or less.

Class C station. A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 26.96–27.23 MHz band, or on the frequency 27.255 MHz, for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72–76 MHz band for the radio control of models used for hobby purposes only.

Class D station. A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 26.96–27.23 MHz band or on the fre-

quency 27.255 MHz, with input power of 5 watts or less, and for radiotelephony only.

Fixed station. A station in the fixed service.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part.)

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For the purposes of this part, the term includes hand-carried and pack-carried units.)

(c) Miscellaneous definitions.

Antenna structures. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

Assigned frequency. The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The maximum width of the band of frequencies, as specified in the authorization, to be occupied by an emission.

Bandwidth occupied by an emission. The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25% of the total radiated power.

Control point. A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

Dispatch point. A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

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

Man-made structure. Any construction other than a tower, mast or pole.

Person. The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

Remote control. The term "remote control" when applied to the use or operation of a citizens radio station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

§ 95.5 Policy governing the assignment of frequencies.

(a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and the frequencies which are available for use by Class B, Class C, or Class D stations, are listed in Subpart C of this part. Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) In no case will more than one frequency be assigned to Class A stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency is essential to the operation proposed.

(c) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

(d) Simultaneous operation on more than one frequency in the 72-76 MHz band by a transmitter or transmitters of a single licensee is prohibited whenever such operation will cause harmful interference to the operation of other licensees in this service.

§ 95.6 Types of operation authorized.

(a) Class A stations may be authorized as mobile stations, as base stations, as fixed stations, or as base or fixed stations to be operated at unspecified or temporary locations.

(b) Class B, Class C, and Class D stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

§ 95.7 General citizenship restrictions.

A station license may not be granted to or held by:

- (a) Any alien or the representative of any alien;
- (b) Any foreign government or the representative thereof;
- (c) Any corporation organized under the laws of any foreign government;
- (d) Any corporation of which any officer or director is an alien;
- (e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;
- (f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

SUBPART B—APPLICATIONS AND LICENSES

§ 95.11 Station authorization required.

No radio station shall be operated in the Citizens Radio Service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 95.13 Eligibility for station license.

(a) Subject to the general restrictions of § 95.7, any person, other than an unincorporated association in the case of a Class D station, is eligible to hold an authorization to operate a station in the Citizens Radio Service: *Provided*, That if an applicant for a Class A, Class B or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; or if an applicant for a Class C station authorization is an individual or partnership, such individual or each partner is twelve or more years of age.

NOTE: While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) Notwithstanding the provisions of paragraph (a) of this section, an unincorporated association may be authorized to operate a Class D station in this service upon a showing satisfactory to the Commission that the proposed radio operations are not feasible, or may not be as efficient or economical, when conducted under station licenses issued to the individual members. A station license shall not be issued to an unincorporated association solely to avoid the operating restrictions on communications between stations licensed to different persons, contained elsewhere in this part. Unincorporated associations which hold Class D station licenses in this service as of November 1, 1964, must make the showing required by this paragraph upon application for renewal and/or modification of license. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

(c) No person shall hold more than one Class B, one Class C, and one Class D station license.

§ 95.15 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Citizens Radio Service are discussed in § 95.19 and may be obtained from the Washington, D.C., 20554, office of the Commission, or from any of its engineering field offices.

(b) All formal applications for Class C or Class D new, modified, or renewal station authorizations and for Class B renewal station authorizations¹ shall be submitted to the Commission's office at 334 York Street, Gettysburg, Pa. 17325. Applications for Class A station authorizations, applications for consent to transfer of control of a corporation holding any citizens radio station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for any class citizens radio station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary. Beginning January 1, 1973, applicants for Class A stations in the Chicago Regional Area, defined in § 95.19, shall submit their applications to the Commission's Chicago Regional Office. The address of the Regional Office will be announced at a later date. Applications involving Class A or Class D station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and methods employed in testing it to determine compliance with the technical requirements set forth in Subpart C of this part.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

¹ Effective Mar. 18, 1968, applications for new Class B station authorizations or modification of existing authorizations will not be accepted for filing.

§ 95.17 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 95.19 Standard forms to be used.

(a) *FCC Form 505, Application for Class B, C, or D Station License in the Citizens Radio Service.* This form shall be used when:

(1) Application is made for a new Class C or Class D authorization. A separate application shall be submitted for each proposed class of station.

(2) Application is made for modification of any existing Class C or Class D station authorization in those cases where prior Commission approval of certain changes is required (see § 95.35).

(3) Application is made for renewal of an existing Class B, Class C, or Class D station authorization, or for reinstatement of such an expired authorization.

(b) *FCC Form 400, Application for Radio Station Authorization in the Safety and Special Radio Services.* Except as provided in paragraph (d) of this section, this form shall be used when:

(1) Application is made for a new Class A base station or fixed station authorization. Separate applications shall be submitted for each proposed base or fixed

station at different fixed locations; however, all equipment intended to be operated at a single fixed location is considered to be one station which may, if necessary, be classed as both a base station and a fixed station.

(2) Application is made for a new Class A station authorization for any required number of mobile units (including hand-carried and pack-carried units) to be operated as a group in a single radiocommunication system in a particular area. An application for Class A mobile station authorization may be combined with the application for a single Class A base station authorization when such mobile units are to be operated with that base station only.

(3) Application is made for station license of any Class A base station or fixed station upon completion of construction or installation in accordance with the terms and conditions set forth in any construction permit required to be issued for that station, or application for extension of time within which to construct such a station.

(4) Application is made for modification of any existing Class A station authorization in those cases where prior Commission approval of certain changes is required (see § 95.35).

(5) Application is made for renewal of an existing Class A station authorization, or for reinstatement of such an expired authorization.

(6) [Reserved]

(7) Application is made for an authorization for a new Class A base or fixed station to be operated at unspecified or temporary locations. When one or more individual transmitters are each intended to be operated as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations. The application shall specify the general geographic area within which the operation will be confined. Sufficient data must be submitted to show the need for the proposed area of operation.

(c) *FCC Form 703, Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any citizens radio station authorization.

(d) Beginning April 1, 1972, FCC Form 425 shall be used in lieu of FCC Form 400, applicants for Class A stations located in the Chicago Regional Area defined to consist of the counties listed below:

ILLINOIS

- | | |
|----------------|--------------|
| 1. Boone. | 10. De Kalb. |
| 2. Bureau. | 11. De Witt. |
| 3. Carroll. | 12. Douglas. |
| 4. Champaign. | 13. Du Page. |
| 5. Christian. | 14. Edgar. |
| 6. Clark. | 15. Ford. |
| 7. Coles. | 16. Fulton. |
| 8. Cook. | 17. Grundy. |
| 9. Cumberland. | 18. Henry. |

19. Iroquois.
20. Jo Davless.
21. Kane.
22. Kankakee.
23. Kendall.
24. Knox.
25. Lake.
26. La Salle.
27. Lee.
28. Livingston.
29. Logan.
30. Macon.
31. Marshall.
32. Mason.
33. McHenry.
34. McLean.
35. Menard.
36. Mercer.

ILLINOIS—Continued

37. Moultrie.
38. Ogle.
39. Peoria.
40. Platt.
41. Putnam.
42. Rock Island.
43. Sangamon.
44. Shelby.
45. Stark.
46. Stephenson.
47. Tazewell.
48. Vermillion.
49. Warren.
50. Whiteside.
51. Will.
52. Winnebago.
53. Woodford.

INDIANA

- | | |
|-----------------|-----------------|
| 1. Adams. | 28. Madison. |
| 2. Allen. | 29. Marion. |
| 3. Benton. | 30. Marshall. |
| 4. Blackford. | 31. Miami. |
| 5. Boone. | 32. Montgomery. |
| 6. Carroll. | 33. Morgan. |
| 7. Cass. | 34. Newton. |
| 8. Clay. | 35. Noble. |
| 9. Clinton. | 36. Owen. |
| 10. De Kalb. | 37. Parke. |
| 11. Delaware. | 38. Porter. |
| 12. Elkhart. | 39. Pulaski. |
| 13. Fountain. | 40. Putnam. |
| 14. Fulton. | 41. Randolph. |
| 15. Grant. | 42. St. Joseph. |
| 16. Hamilton. | 43. Starke. |
| 17. Hancock. | 44. Steuben. |
| 18. Hendricks. | 45. Tippecanoe. |
| 19. Henry. | 46. Tipton. |
| 20. Howard. | 47. Vermillion. |
| 21. Huntington. | 48. Vigo. |
| 22. Jasper. | 49. Wabash. |
| 23. Jay. | 50. Warren. |
| 24. Kosciusko. | 51. Wells. |
| 25. Lake. | 52. White. |
| 26. Lagrange. | 53. Whitley. |
| 27. La Porte. | |

IOWA

- | | |
|-------------|---------------|
| 1. Cedar. | 5. Jones. |
| 2. Clinton. | 6. Muscatine. |
| 3. Dubuque. | 7. Scott. |
| 4. Jackson. | |

MICHIGAN

- | | |
|---------------|-----------------|
| 1. Allegan. | 13. Kalamazoo. |
| 2. Barry. | 14. Kent. |
| 3. Berrien. | 15. Lake. |
| 4. Branch. | 16. Mason. |
| 5. Calhoun. | 17. Mecosta. |
| 6. Cass. | 18. Montcalm. |
| 7. Clinton. | 19. Muskegon. |
| 8. Eaton. | 20. Newaygo. |
| 9. Hillsdale. | 21. Oceana. |
| 10. Ingham. | 22. Ottawa. |
| 11. Ionia. | 23. St. Joseph. |
| 12. Jackson. | 24. Van Buren. |

OHIO

- | | |
|--------------|--------------|
| 1. Defiance. | 4. Van Wert. |
| 2. Mercer. | 5. Williams. |
| 3. Paulding. | |

WISCONSIN

- | | |
|-----------------|-----------------|
| 1. Adams. | 18. Manitowoc. |
| 2. Brown. | 19. Marquette. |
| 3. Calumet. | 20. Milwaukee. |
| 4. Columbia. | 21. Outagamie. |
| 5. Dane. | 22. Ozaukee. |
| 6. Dodge. | 23. Racine. |
| 7. Door. | 24. Richland. |
| 8. Fond du Lac. | 25. Rock. |
| 9. Grant. | 26. Sauk. |
| 10. Green. | 27. Sheboygan. |
| 11. Green Lake. | 28. Walworth. |
| 12. Iowa. | 29. Washington. |
| 13. Jefferson. | 30. Waukesha. |
| 14. J.neau. | 31. Waupaca. |
| 15. Kenosha. | 32. Waushara. |
| 16. Kewaunee. | 33. Winnebago. |
| 17. Lafayette. | |

§ 95.25 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 95.27 Transfer of license prohibited.

A station authorization in the Citizens Radio Service may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 95.29 Defective applications.

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 95.31 Partial grant.

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

§ 95.33 License term.

Licenses for stations in the Citizens Radio Service will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

§ 95.35 Changes in authorized stations.

Authority for certain changes in authorized stations must be obtained from the Commission before the changes are made, while other changes do not require prior Commission approval. The following paragraphs of this section describe the conditions under which prior Commission approval is or is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of license be submitted to the Commission. Application for modification shall be submitted in the same manner as an application for a new station license, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superseding authorization. Any of the following changes to authorized stations may be made only upon approval by the Commission:

(1) Increase the overall number of transmitters authorized.

(2) Change the presently authorized location of a Class A fixed or base station or control point.

(3) Move, change the height of, or erect a Class A station antenna structure.

(4) Make any change in the type of emission or any increase in bandwidth of emission or power of a Class A station.

(5) Addition or deletion of control point(s) for an authorized transmitter of a Class A station.

(6) Change or increase the area of operation of a Class A mobile station or a Class A base or fixed station authorized to be operated at temporary locations.

(7) Change the operating frequency of a Class A station.

(b) When the name of a licensee is changed (without changes in the ownership, control, or corporate structure), or when the mailing address of the licensee is changed (without changing the authorized location of the base or fixed Class A station) a formal application for modification of the license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, as the case may be, and the call signs and classes of all radio stations authorized to the licensee under this part. The notice concerning Class B, C, or D radio stations shall be sent to Federal Communications Commission, Gettysburg, Pa., 17325, and a copy shall be maintained with the records of the station. The notice concerning Class A stations shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C., 20554, and (2) to Engineer in Charge of the Radio District in which the station is located, and a copy

shall be maintained with the license of the station until a new license is issued.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station, provided that the particular equipment to be installed is included in the Commission's "Radio Equipment List, Part C" and is listed as acceptable for use under this part or, in the case of a Class C or Class D station using crystal control on authorized frequencies in the 26.96-27.26 MHz band, the substitute equipment is crystal controlled; and further provided the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitation prescribed for the particular class of station involved.

§ 95.37 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a Class A station which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and take-off area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on any airport listed in the Airport Directory of the current Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration of Class A station antenna structures.

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) A Class B, Class C, or Class D station operated at a fixed location shall employ a transmitting antenna which complies with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or manmade structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and does not exceed the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of an antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

NOTE: A manmade structure is any construction other than a tower, mast, or pole.

(d) Class C stations operated on frequencies in the 72-76 MHz band shall employ a transmitting antenna which complies with all of the following:

(1) The gain of the antenna shall not exceed that of a half-wave dipole;

(2) The antenna shall be immediately attached to, and an integral part of, the transmitter; and

(3) Only vertical polarization shall be used.

(e) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures."

SUBPART C—TECHNICAL REGULATIONS

§ 95.41 Frequencies available.

(a) Frequencies available for assignment to Class A stations:

(1) The following frequencies or frequency pairs are available primarily for assignment to base and mobile stations. They may also be assigned to fixed stations as follows:

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency

assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(a) If the station is used to control one or more base stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limit radiation in other directions to the extent feasible.

• (b) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 dB. When the station controls more than one base station, the 6 dB control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(c) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(d) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center of an urbanized area of 200,000 or more population. The centers of urbanized areas of 200,000 or more population are listed on page 226 of the Appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz.

Base and Mobile (MHz)	Mobile Only (MHz)
462.550	467.550
462.575	467.575
462.600	467.600
462.625	467.625
462.650	467.650
462.675	467.675
462.700	467.700
462.725	467.725

(2) Conditions governing the operation of stations authorized prior to March 18, 1968 :

(i) All base and mobile stations authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph may continue to operate on those frequencies only until January 1, 1970.

(ii) Fixed stations located 100 or more miles from the center of any urbanized area of 200,000 or more population authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph will not have to change frequencies provided no interference is caused to the operation of stations in the land mobile service.

(iii) Fixed stations, other than those used to control base stations, located less than 100 miles (75 miles if the transmitter power output does not exceed 15 watts) from the center of any urbanized area of 200,000 or more population must discontinue operation by November 1, 1971. However, any operation after January 1, 1970, must be on frequencies listed in subparagraph (1) of this paragraph.

(iv) Fixed stations, located less than 100 miles from the center of any urbanized area of 200,000 or more population, which are used to control base stations and are authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph may continue to operate on those frequencies only until January 1, 1970.

(v) All fixed stations must comply with the applicable technical requirements of subparagraph (1) relating to antennas and radiated signal strength of this paragraph by November 1, 1971.

(vi) Notwithstanding the provisions of subdivisions (i) through (v) of this subparagraph, all stations authorized to operate on frequencies between 465.000 and 465.500 MHz and located within 75 miles of the center of the 20 largest urbanized areas of the United States, may continue to operate on these frequencies only until January 1, 1969. An extension to continue operation on such frequencies until January 1, 1970, may be granted to such station licensees on a case by case basis if the Commission finds that continued operation would not be inconsistent with planned usage of the particular frequency for police purposes. The 20 largest urbanized areas can be found in the U.S. Census of Population, 1960, vol. 1, table 23, page 50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication, "Air Line Distance Between Cities in the United States."

(b) Effective March 18, 1968, frequencies will no longer be available to Class B stations for new or modi-

fied facilities. However, existing Class B stations may, upon renewal, continue to operate until November 1, 1971.

(c) Class C mobile stations may employ only amplitude tone modulation or on-off keying of the unmodulated carrier, on a shared basis with other stations in the Citizens Radio Service, on the frequencies and under the conditions specified in the following tables:

(1) For the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention and subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band, the following frequencies are available:

(MHz)	(MHz)	(MHz)
26.995	27.095	27.195
27.045	27.145	¹ 27.255

¹ The frequency 27.255 MHz also is shared with stations in other services.

(2) Subject to the conditions that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on Channels 4 or 5; and that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies in the band, the following frequencies are available solely for the radio remote control of models used for hobby purposes:

(i) For the radio remote control of any model used for hobby purposes:

MHz	MHz	MHz
72.16	72.32	72.96

(ii) For the radio remote control of aircraft models only:

MHz	MHz	MHz
72.08	72.24	72.40
75.64		

(d) The frequencies listed in the following tables are available for use by Class D mobile stations employing radiotelephony only, on a shared basis with other stations in the Citizens Radio Service, and subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band.

(1) The following frequencies, commonly known as Channels 1 through 8 and 10 through 23, may be used for communications between units of the same station:

MHz	Channel	MHz	Channel
26.965	1	27.115	13
26.975	2	27.125	14
26.985	3	27.135	15
27.005	4	27.155	16
27.015	5	27.165	17
27.025	6	27.175	18
27.035	7	27.185	19
27.055	8	27.205	20
27.075	10	27.215	21
27.085	11	27.225	22
27.105	12	27.255	23

(2) Only the following frequencies may be used for communications between units of different stations:

MHz	Channel	MHz	Channel
27.075	10	27.125	14
27.085	11	27.135	15
27.105	12	27.255	23
27.115	13		

(3) The frequency 27.065 MHz (Channel 9) shall be used solely for:

(i) Emergency communications involving the immediate safety of life of individuals or the immediate protection of property or

(ii) Communications necessary to render assistance to a motorist.

NOTE: A licensee, before using Channel 9, must make a determination that his communication is either or both (a) an emergency communication or (b) is necessary to render assistance to a motorist. To be an emergency communication, the message must have some direct relation to the immediate safety of life or immediate protection of property. If no immediate action is required, it is not an emergency. What may not be an emergency under one set of circumstances may be an emergency under different circumstances. There are many worthwhile public service communications that do not qualify as emergency communications. In the case of motorist assistance, the message must be necessary to assist a particular motorist and not, except in a valid emergency, motorists in general. If the communications are to be lengthy, the exchange should be shifted to another channel, if feasible, after contact is established. No nonemergency or nonmotorist assistance communications are permitted on Channel 9 even for the limited purpose of calling a licensee monitoring a channel to ask him to switch to another channel. Although Channel 9 may be used for marine emergencies, it should not be considered a substitute for the authorized marine distress system. The Coast Guard has stated it will not "participate directly in the Citizens Radio Service by fitting with and/or providing a watch on any Citizens Band Channel. (Coast Guard Commandant Instruction 2302.6.)"

The following are examples of permitted and prohibited types of communications. They are guidelines and are not intended to be all inclusive.

Permitted	Example message
Yes-----	"A tornado sighted six miles north of town."
No-----	"This is observation post number 10. No tornados sighted."
Yes-----	"I am out of gas on Interstate 95."
No-----	"I am out of gas in my driveway."
Yes-----	"There is a four-car collision at Exit 10 on the Beltway, send police and ambulance."
No-----	"Traffic is moving smoothly on the Beltway."
Yes-----	"Base to Unit 1, the Weather Bureau has just issued a thunderstorm warning. Bring the sailboat into port."
No-----	"Attention all motorists. The Weather Bureau advises that the snow tomorrow will accumulate 4 to 6 inches."
Yes-----	"There is a fire in the building on the corner of 6th and Main Streets."
No-----	"This is Halloween patrol unit number 3. Everything is quiet here."

The following priorities should be observed in the use of Channel 9.

1. Communications relating to an existing situation dangerous to life or property, i.e., fire, automobile accident.
2. Communications relating to a potentially hazardous situation, i.e., car stalled in a dangerous place, lost child, boat out of gas.
3. Road assistance to a disabled vehicle on the highway or street.
4. Road and street directions.

(c) Upon specific request accompanying application for renewal of station authorization, a Class A station in this service, which was authorized to operate on a frequency in the 460-461 MHz band until March 31, 1967, may be assigned that frequency for continued use until not later than March 31, 1968, subject to all other provisions of this part.

§ 95.43 Station power.

Neither the average power input to the plate or collector circuit or circuits which contribute radio frequency energy to the radiating system nor the average radio frequency power supplied to the radiating system of a station operating in this service shall exceed the following maximum values:

Class of station	Power input (average watts) ¹	Power output (average watts) ²
A	60	48
B	5	4
C	5	4
D	5	4

¹ On 27.255 MHz the average power permitted for Class C stations shall not exceed 30 watts input and 24 watts output. On frequencies in the 72-76 MHz band the average power for Class C stations shall not exceed 1 watt input and 0.75 watt output.

² For the purpose of this section, power measurement shall be made during maximum peaks of modulation using meters having a full scale accuracy of 2 percent or better and having a maximum time constant of not more than 0.25 of a second. Where the average unmodulated carrier power is increased by modulation applied to the circuit or circuits which contribute radio frequency energy to the radiating system, the sum of the unmodulated carrier power input and the average power output of the modulator shall not exceed the values specified in this table by more than 25 percent.

³ Power output shall be measured at the transmitter.

§ 95.45 Frequency tolerance.

The carrier frequency of a station in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Maximum authorized power input	Frequency tolerance	
		Fixed and base	Mobile
A	3 watts or less	1 ³ 0.00025	1 0.0005
A	Over 3 watts	1 ³ .00025	1 .0005
B	3 watts or less		.5
B	Over 3 watts		.3
C	5 watts or less ²		.005
C	Over 5 watts (27.255 MHz only)		.005
D	5 watts or less		.005

¹ Effective Nov. 1, 1967. Stations authorized before Nov. 1, 1967, may continue to operate with tolerance of 0.001 percent, or .005 for mobile stations, with 3 watts or less power until Nov. 1, 1971.

² Class C stations operating on authorized frequencies between 26.99 and 27.26 MHz with 3 watts or less power input which are used solely for the control of remote objects or devices by radio (other than devices used solely as a means of attracting attention) are permitted a frequency tolerance of 0.01 percent.

³ Fixed stations used to control base stations, through use of a mobile only frequency, may operate with a frequency tolerance of 0.0005 percent.

§ 95.47 Types of emission.

(a) Except as provided in paragraph (e) of this section, Class A stations in this service will normally

be authorized to transmit radiotelephony only. However, the use of tone signals or signaling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or establish and maintain voice communications, is permitted. The use of tone signals solely to attract attention is prohibited.

(b) Class B stations in this service are authorized to use amplitude or frequency modulation, or on-off unmodulated carrier, and may be used for radiotelephony, to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention.

(c) Class C stations in this service are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the control of remote objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention. The transmission of any form of telegraphy, telephony or record communications by a Class C station is prohibited. Telemetry, except for the transmission of simple, short duration signals indicating the presence or absence of a condition or the occurrence of an event, is also prohibited.

(d) Class D stations in this service are authorized to use amplitude voice modulation, including single sideband and/or reduced or suppressed carrier, for radiotelephone communications only. However, the use of tone signals or signaling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or establish and maintain voice communications, is permitted. The use of tone signals solely to attract attention or for the control of remote objects or devices is prohibited.

(e) Other types of emission not described in paragraph (a) of this section may be authorized for Class A citizens radio stations upon a showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of bandwidth, reference should be made to Part 2 of this chapter.

§ 95.49 Emission limitations.

(a) Each authorization issued to a Class A citizens radio station will show, as a prefix to the classification of the authorized emission, a figure specifying the maximum bandwidth to be occupied by the emission.

(b) All operation of a Class B citizens radio station (including tolerance and bandwidth occupied by the emission) shall be confined to the frequency band 462.525-467.475 MHz.

(c) (1) Except as provided in subparagraph (2) of this paragraph and except in the case of Class B citizens radio stations operating only on the frequency 465.00 MHz (see § 95.41(b)), the maximum authorized

bandwidth of the emission of any station employing amplitude modulation (Type A2 or A3 emission) shall be 8 kHz and the maximum authorized bandwidth of the emission of any station employing frequency or phase modulation (Type F2 or F3 emission) shall be 40 kHz. The use of Type F2 or F3 emission in the frequency band 26.96-27.28 MHz is not authorized.

(2) Effective November 1, 1967, the maximum authorized bandwidth of Class A stations employing frequency or phase modulation (Type F2 or F3 emission) will be 20 kHz. Class A stations authorized before November 1, 1967, may continue to operate with maximum 40 kHz bandwidth until November 1, 1971.

(d) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth, at least the amounts indicated in the following table:

Maximum authorized power input to final radio frequency stage:	Attenuation (dB)
Over 3 watts-----	50
3 watts or less-----	40

¹In the case of Class B stations having a maximum power input to the final radio frequency stage of 3 watts or less, any emission appearing on any frequency within a band allocated to industrial, scientific, and medical equipment under the provisions of Part 2 of this chapter shall be attenuated at least 30 dB.

(e) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 95.51 Modulation requirements.

(a) When the radio frequency carrier of a station in this service is amplitude modulated, such modulation shall not exceed 100 percent on positive or negative peaks.

(b) Except as provided in paragraph (c) of this section and except in the case of Class B citizens radio stations operating only on the frequency 465.00 MHz (see § 95.41(b)), the frequency deviation of any frequency modulated transmitter operated in this service shall not exceed ±15 kHz and the simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

(c) Effective June 1, 1968, the maximum frequency deviation for Class A stations employing F2 or F3 emission is ±5 kHz: *Provided*, That stations authorized prior to November 1, 1967, located 100 miles or more from the center of urbanized areas of 200,000 or more

population may continue to operate with a frequency deviation of ±15 kHz until November 1, 1971.

(d) Class A stations authorized on or after November 1, 1967, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level. Class A stations authorized before November 1, 1967, will be required to comply with the provisions of this paragraph by November 1, 1971: *Provided, however*, That the requirements of this paragraph shall not apply to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(e) Each transmitter of a Class A station which is equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section shall also be equipped with an audio low-pass filter. This audio low-pass filter shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation at 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

§ 95.53 Compliance with technical requirements.

(a) Upon receipt of notification from the Commission of a deviation from the technical requirements of the rules in this part, the radiations of the transmitter involved shall be suspended immediately, except for necessary tests and adjustments, and shall not be resumed until such deviation has been corrected.

(b) When any citizens radio station licensee receives a notice of violation indicating that the station has been operated contrary to any of the provisions contained in Subpart C of this part, or where it otherwise appears that operation of a station in this service may not be in accordance with applicable technical standards, the Commission may require the licensee to conduct such tests as may be necessary to determine whether the equipment is capable of meeting these standards and to make such adjustments as may be necessary to assure compliance therewith. A licensee who is notified that he is required to conduct such tests and/or make adjustments must, within the time limit specified in the notice, report to the Commission the results thereof.

(c) All tests and adjustments which may be required in accordance with paragraph (b) of this section shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radio telegraph as may be appropriate for the type of emission employed. In each case, the report which is submitted to the Commission shall be signed by the licensed commercial operator. Such report shall describe the results of the tests and adjustments, the test equipment

and procedures used, and shall state the type, class, and serial number of the operator's license. A copy of this report shall also be kept with the station records.

§ 95.55 Acceptability of transmitters for licensing.

(a) Except as provided in § 95.69, transmitters authorized for operation at Class B stations, and non-crystal controlled transmitters authorized for operation at Class C and Class D stations in the band 26.96–27.26 MHz under this part shall be type approved by the Commission.

(b) Transmitters authorized for operation under this part at Class A stations, and at Class C stations in the band 72–76 MHz, shall be type accepted by the Commission.

(c) Type approved and type accepted transmitters for use under this part are included in the Commission's Radio Equipment List, Part C. Copies of this list are available for public reference at the Commission's Washington, D.C., offices and field offices.

§ 95.57 Type acceptance of equipment.

(a) Any manufacturer of a transmitter to be built for use in this service, except Class B station equipment and noncrystal controlled Class C and Class D equipment for operation in the band 26.96–27.26 MHz, may request type acceptance for such equipment by following the type acceptance procedure set forth in Subpart F of Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C", but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type-accepted equipment, and limitations on the findings upon which type acceptance is based.

§ 95.59 Submission of Class B and non-crystal controlled Class C or Class D station equipment for type approval.

(a) Manufacturers of equipment capable of being used or operated in this service may submit units of such equipment to the Commission for type approval, upon grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request normally will not be granted unless at least 100 units of the model to be submitted are scheduled for manufacture. When advised by the Commission, the applicant must send a typical production model or prototype of the particular equipment complete with tubes and power supply to the Commission's laboratory at Laurel, Maryland, for tests. All instructions which are intended to be supplied to the purchaser of the equipment shall be included. Trans-

portation of the equipment and associated documents to and from the laboratory shall be at no cost to the Government.

(b) Prior to approval or rejection of the equipment the results of these tests will be made known only to the responsible Government officials and to the Commission. An official report of the tests will be made available only to the manufacturer involved; however, the Commission will publish from time to time lists of approved equipment.

(c) The prescribed tests may be conducted by the Federal Communications Commission or by any other cooperating Government department. In addition, field tests, as deemed necessary or desirable by the Commission, may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those expected to be encountered in actual service.

(d) Type-approval is not required for Class C or Class D station equipment employing crystal control; however, the manufacturer of a crystal-controlled transmitter to be built for use at a Class C or Class D station may request "type-acceptance" for such transmitter in accordance with the provisions of § 95.57. The licensee of a Class C or Class D station utilizing crystal-controlled equipment may be required to certify that the frequency stability of the transmitter is within the tolerance specified elsewhere in this part.

§ 95.61 Type approval of receiver-transmitter combinations.

Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, is constructed on the same chassis in whole or in part, or is identified with a common type or model number with a radio receiver, unless such receiver has been certificated to the Commission as complying with the requirements of Part 15 of this chapter.

§ 95.63 Minimum equipment specifications.

Equipment submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part for Class B, Class C, or Class D stations, and, in addition, shall comply with the following:

(a) Any basic instructions concerning the proper adjustment, use, or operation of the equipment that may be necessary shall be attached to the equipment in a suitable manner and in such positions as to be easily read by the operator.

(b) A durable nameplate shall be mounted on each transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the transmitter serial number, FCC type approval number, and the class of station for which approved.

(c) The transmitter shall be designed, constructed, and adjusted by the manufacturer to operate on a frequency or frequencies available to the class of station

for which type approval is sought. In designing the equipment, every reasonable precaution shall be taken to protect the user from high voltage shock and radio frequency burns. Connections to batteries (if used) shall be made in such a manner as to permit replacement by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the generation of radio frequency currents so as to guard against unnecessary interference to other services. In cases of harmful interference arising from the design, construction, or operation of the equipment, the Commission may require appropriate technical changes in equipment to alleviate interference.

(d) Controls which may effect changes in the carrier frequency of the transmitter shall not be accessible from the exterior of any unit unless such accessibility is specifically approved by the Commission.

§ 95.65 Test procedure.

Type approval tests to determine whether radio equipment meets the technical specifications contained in this part will be conducted under the following conditions:

(a) Gradual ambient temperature variations from 0° to 125° F.

(b) Relative ambient humidity from 20 to 95 percent. This test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60, and 95 percent, respectively, at a temperature of approximately 80° F.

(c) Movement of transmitter or objects in the immediate vicinity thereof.

(d) Power supply voltage variations normally to be encountered under actual operating conditions.

(e) Additional tests as may be prescribed, if considered necessary or desirable.

§ 95.67 Certificate of type approval.

A certificate or notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the Citizens Radio Service, constitutes a recognition that on the basis of the test made, the particular type of equipment appears to have the capability of functioning in accordance with the technical specifications and regulations contained in this part: *Provided*, That all such additional equipment of the same type is properly constructed, maintained, and operated: *And provided further*, That no change whatsoever is made in the design or construction of such equipment except upon specific approval by the Commission.

§ 95.69 Acceptance of composite equipment.

(a) Class B and non-crystal controlled Class C or Class D station equipment constructed by a manufacturer in lots of less than 100 units will not, in the usual case, be tested by the Commission for the purpose of granting type approval. Except as pro-

vided in paragraph (b) of this section, an applicant in this service who proposes to use or operate composite or other equipment which has not been type approved shall supply complete information showing that the equipment fully complies with appropriate station requirements using supplementary sheets which shall accompany the standard application form. The Commission may, at its discretion, require that such equipment or a prototype thereof be made available to its laboratory at Laurel, Maryland, for testing in accordance with the procedures described elsewhere in this part, as applicable to equipment to be manufactured in lots of more than 100 units. In addition, field tests as deemed necessary or desirable may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those encountered in actual service.

(b) In the case of crystal controlled Class C or Class D equipment to be operated on an authorized frequency in the band 26.96-27.26 MHz, supplemental technical information is not required to accompany the standard application form: *Provided, however*, That it is clearly indicated that the equipment employs crystal control: *And provided further*, That the Commission may require the applicant to certify that the frequency stability of the crystal-controlled transmitter is within the tolerance specified elsewhere in this part.

(c) In the case of nontype accepted Class C equipment to be operated on an authorized frequency in the band 72-76 MHz, the information and measurement data required under Subpart F of Part 2 of this chapter for type acceptance, shall, if not on file with the Commission, accompany the application for station license.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 95.83 Prohibited uses.

(a) A Citizens radio station shall not be used:

(1) For engaging in radio communications as a hobby or diversion, i.e., operating the radio station as an activity in and of itself.

NOTE: The following are typical, but not all inclusive, examples of the types of communications evidencing a use of Citizens radio as a hobby or diversion which are prohibited under this rule:

"You want to give me your handle and I'll ship you out a card the first thing in the morning;" or "Give me your 10-20 so I can ship you some wallpaper." (Communications to other licensees for the purpose of exchanging so-called "QSL" cards.)

"I'm just checking to see who is on the air."

"Just calling to see if you can hear me. I'm at Main and Broadway."

"Just heard your call sign and thought I'd like to get acquainted;" or "Just passing through and heard your call sign so I thought I'd give you a shout."

"Just sitting here copying the mail and thought I'd give you a call to see how you were doing." (Referring to an intent to communicate based solely on hearing another person engaged in the use of his radio.)

"My 10-20 is Main and Broad Streets. Thought I'd call so I can see how well this new rig is getting out."

"Got a new mike on this rig and thought I'd give you a call to find out how my modulation is."

"Just thought I would give you a shout and let you know I am still around. Thanks for coming back."

"Clear with Venezuela. Just thought I'd let you know I was copying you up here."

"Thought I'd give you a shout and see if you knew where the unmodulated carrier was coming from."

"Just thought I'd give you a call to find out how the ship is coming in over at your location."

"Go ahead breaker. What kind of a rig are you using? Come back with your 10-20."

(2) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(3) For the transmission of communications containing obscene, indecent, or profane words, language, or meaning.

(4) To carry communications for hire, whether the remuneration or benefit received is direct or indirect.

(5) To communicate with stations authorized or operated under the provisions of other parts of this chapter, with unlicensed stations, or with U.S. Government or foreign stations (other than as provided in Subpart E of this part) except for communications pursuant to §§ 95.85(b) and 95.121 and, in the case of Class A stations, for communications with U.S. Government stations in those cases which require cooperation or coordination of activities.

(6) For any communication not directed to specific stations or persons, except for: (i) Emergency and civil defense communications as provided in §§ 95.85(b) and 95.121, respectively, (ii) test transmissions pursuant to § 95.93, and (iii) communications from a mobile unit to other units or stations for the sole purpose of requesting routing directions, assistance to disabled vehicles or vessels, information concerning the availability of food or lodging, or any other assistance necessary to a licensee in transit.

(7) To convey program material for retransmission, live or delayed, on a broadcast facility.

NOTE: A Class A, Class B, or Class D station may be used in connection with the administrative, engineering, or maintenance activities of a broadcasting station; a Class A, Class B, or Class C station may be used for control functions by radio which do not involve the transmission of program material; and a Class A, Class B, or Class D station may be used in the gathering of news items or preparation of programs: *Provided*, That the actual or recorded transmissions of the Citizens radio station are not broadcast at any time in whole or in part.

(8) To interfere maliciously with the communications of another station.

(9) For the direct transmission of any material to the public through public address systems or similar means.

(10) To transmit superfluous communications, i.e., any transmissions which are not necessary to communications which are permissible.

(11) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(12) To transmit the word "MAYDAY" or other international distress signals, except when a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(13) For transmitting communications to stations of other licensees which relate to the technical performance, capabilities, or testing of any transmitter or other radio equipment, including transmissions concerning the signal strength or frequency stability of a transmitter, except as necessary to establish or maintain the specific communication.

(14) For relaying messages or transmitting communications for a person other than the licensee or members of his immediate family except: (i) Communications transmitted pursuant to §§ 95.85(b), 95.87(b)(7), and 95.121; (ii) upon specific prior Commission approval, communications between Citizens radio service stations at fixed locations where public telephone service is not provided; and (iii) communications reporting locally observed traffic conditions directed to persons engaged directly or indirectly in furnishing traffic condition information to the motorist public via broadcast facilities.

(15) For advertising or soliciting the sale of any goods or services.

(16) For transmitting messages in other than plain language. Abbreviations, including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(b) A Class D station may not be used to communicate with, or attempt to communicate with, any unit of the same or another station over a distance of more than 150 miles.

(c) A licensee of a Citizens radio station who is engaged in the business of selling Citizens radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

§ 95.85 Emergency and assistance to motorist use.

(a) All Citizens radio stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property.

(b) Any station in this service may be utilized during an emergency involving the immediate safety of life of individuals or the immediate protection of property for the transmission of emergency communications. It may also be used to transmit communications necessary to render assistance to a motorist.

(1) When used for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.41(d)); prohibited uses (§ 95.83(a)(5), (6), and (14)); operation by or on behalf of

persons other than the licensee (§ 95.87) ; and duration of transmissions (§ 95.91 (a) and (b)) shall not apply.

(2) When used for transmission of communications necessary to render assistance to a motorist, the provisions of this part concerning directing communications to specific persons or stations (§ 95.83 (a) (6)) ; transmitting messages for other persons (§ 95.83 (a) (14)) ; and duration of transmissions (§ 95.91 (b)) shall not apply.

(3) The exemptions granted from certain rule provisions in subparagraphs (1) and (2) of this paragraph may be rescinded by the Commission at its discretion.

(c) If the emergency use under paragraph (b) of this section extends over a period of 12 hours or more, notice shall be sent to the Commission in Washington, D.C., as soon as it is evident that the emergency has or will exceed 12 hours. The notice should include the identity of the stations participating, the nature of the emergency, and the use made of the stations. A single notice covering all participating stations may be submitted.

§ 95.87 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Citizens radio stations may be operated only by the following persons, except as provided in paragraph (c) of this section :

- (1) The licensee ;
- (2) Members of the licensee's immediate family living in the same household ;
- (3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership ;
- (4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association ;
- (5) Employees of the licensee only while acting within the scope of their employment ;
- (6) Any person under the control or supervision of the licensee when the station is used solely for the control of remote objects or devices, other than devices used only as a means of attracting attention ; and
- (7) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances :

(1) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the

total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Licensee proposes the shared or cooperative use of a Class A station with one or more other licensees in this service for the purpose of communicating on a regular basis with units of their respective Class A stations, or with units of other Class A stations if the communications transmitted are otherwise permissible. The use of these private radiocommunication facilities shall be conducted pursuant to a written contract which shall provide that contributions to capital and operating expense shall be made on a nonprofit, cost-sharing basis, the cost to be divided on an equitable basis among all parties to the agreement. Records which show the cost of service and its nonprofit, cost-sharing basis shall be maintained by the licensee. In any case, however, licensee must show a separate and independent need for the particular units proposed to be shared to fulfill his own communications requirements.

(iii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a citizens radio station licensee shall not be permitted to operate any citizens radio station of the same class licensed to another person until such time as he again has been issued a valid radio station license of that class, when his license has been :

- (1) Revoked by the Commission.
- (2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.
- (3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

§ 95.89 Telephone answering services.

(a) Notwithstanding the provisions of § 95.87, a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same unit may not be operated under the authorization of more than one licensee. In all cases, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum, that :

(1) The licensee will have control over the operation of the radio unit at all times;

(2) The licensee will have full and unrestricted access to the transmitter to enable him to carry out his responsibilities under his license;

(3) Both parties understand that the licensee is fully responsible for the proper operation of the citizens radio station; and

(4) The unit so furnished shall be used only for the transmission of communications to other units belonging to the licensee's station.

(b) A citizens radio station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

§ 95.91 Duration of transmissions.

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) Communications between or among Class D stations shall not exceed 5 consecutive minutes. At the conclusion of this 5-minute period, or upon termination of the exchange if less than 5 minutes, the station transmitting and the stations participating in the exchange shall remain silent for a period of at least 5 minutes and monitor the frequency or frequencies involved before any further transmissions are made. However, for the limited purpose of acknowledging receipt of a call, such a station or stations may answer a calling station and request that it stand by for the duration of the silent period. The time limitations contained in this paragraph may not be avoided by changing the operating frequency of the station and shall apply to all the transmissions of an operator who, under other provisions of this part, may operate a unit of more than one citizens radio station.

(c) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits in accordance with § 95.47 shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purposes of this section, any tone or combination of tones having no frequency above 150 hertz shall be considered subaudible.

(d) The transmission of permissible control signals shall be limited to the minimum practicable time necessary to accomplish the desired control or actuation of remote objects or devices. The continuous radiation of energy for periods exceeding 3 minutes duration for the purpose of transmission of control signals shall be limited to control functions requiring at least one or more changes during each minute of such transmission.

However, while it is actually being used to control model aircraft in flight by means of interrupted tone modulation of its carrier, a citizens radio station may transmit a continuous carrier without being simultaneously modulated if the presence or absence of the carrier also performs a control function. An exception to the limitations contained in this paragraph may be authorized upon a satisfactory showing that a continuous control signal is required to perform a control function which is necessary to insure the safety of life or property.

§ 95.93 Tests and adjustments.

All tests or adjustments of citizens radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a non-radiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.95, but may otherwise be unmodulated as appropriate.

§ 95.95 Station identification.

(a) The call sign of a citizens radio station shall consist of three letters followed by four digits.

(b) Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separately and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunciation of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.

(c) Except as provided in paragraph (d) of this section, all transmissions from each unit of a citizens radio station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions directed to or exchanged with a unit of the same station or units of other stations. Each required identification shall include not only the call sign of the station unit transmitting, but also the call sign of the station or stations with which the transmitting unit is communicating, or attempting to communicate. In the case of communications between units of the same station (intrastation), after identifying itself by its assigned call sign, the transmitting unit may identify the other units by unit designators. For communications between units of different stations (interstation), the complete sign of all stations involved must be transmitted. If the

call sign of the station being called is not known, the name or trade name may be used, but when contact has been made the called station shall thereafter be identified by its call sign. Examples of proper identification procedure are set forth at the end of this paragraph. Where transmissions or exchanges of transmissions of greater length are permitted by this part, the identification shall also be transmitted at least every 15 minutes. Each transmission or exchange of transmissions conducted on different frequencies shall be fully and separately identified in accordance with the foregoing on each frequency used.

EXAMPLES OF PROPER IDENTIFICATION

Intrastation communications:
 (1) Calling: "KZZ 0001 base, calling unit 2."
 Response: "KZZ 0001 unit 2, to base, over."
 Clearing: "KZZ 0001 base, clear with unit 2" and "KZZ 0001 unit 2, clear with base."
 (2) Calling: "KZZ 0001 unit 1, calling unit 3."
 Response: "KZZ 0001 unit 3, to unit 1, over."
 Clearing: "KZZ 0001 unit 1, clear with unit 3" and "KZZ 0001 unit 3, clear with unit 1."
 Interstation communications:
 Calling: "KZZ 0001 calling KZZ 0002," or "KZZ 0001 calling KZZ 0002 unit 3" (if appropriate).
 Response: "KZZ 0002 to KZZ 0001, over."
 Clearing: "KZZ 0001 clear with KZZ 0002," and "KZZ 0002 clear with KZZ 0001."

(d) Unless specifically required by the station authorization, the transmissions of a citizens radio station need not be identified when the station (1) is a Class A station which automatically retransmits the information received by radio from another station which is properly identified or (2) is not being used for telephony emission.

(e) In lieu of complying with the requirements of paragraph (c) of this section, Class A base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed stations of a Class A radio system shall transmit their call signs at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit of a Class A station communicating with a base station of a Class A radio system on the same frequency shall transmit once during each exchange of transmissions any unit identifier which is on file in the station records of such base station.

(3) A mobile unit of Class A stations communicating with a base station of a Class A radio system on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

§ 95.97 Operator license requirements.

(a) No operator license is required for the operation of a citizens radio station except that stations manually transmitting Morse Code shall be operated by the holders of a third or higher class radiotelegraph operator license.

(b) Except as provided in paragraph (c) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(c) Except as provided in § 95.53 and in paragraph (d) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of Class C or Class D stations in this service: *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by nonfactory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification concerning design and construction features of Class C or Class D station transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to a particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in this paragraph have been fulfilled.

(d) Any tests and adjustments necessary to correct any deviation of a transmitter of any Class of station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

§ 95.101 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a Class B, Class C, or Class D station) operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters: *Provided*, That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

§ 95.103 Inspection of stations and station records.

All stations and records of stations in the Citizens Radio Service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative (see § 1.6 of this chapter). Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

§ 95.105 Current copy of rules required.

Each licensee in this service shall maintain as a part of his station records a current copy of Part 95, Citizens Radio Service, of this chapter.

§ 95.107 Inspection and maintenance of tower marking and lighting, and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

§ 95.111 Recording of tower light inspections.

When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records in conformity with the requirements set forth in Part 17 of this chapter.

§ 95.113 Answers to notices of violations.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of § 95.53, and the answer to the notice shall state fully what steps, if any, have been taken to pre-

vent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

§ 95.115 False signals.

No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

§ 95.117 Station location.

(a) The specific location of each Class A base station and each Class A fixed station and the specific area of operation of each Class A mobile station shall be indicated in the application for license. An authorization may be granted for the operation of a Class A base station or fixed station in this service at unspecified temporary fixed locations within a specified general area of operation. However, when any unit or units of a base station or fixed station authorized to be operated at temporary locations actually remains or is intended to remain at the same location for a period of over a year, application for separate authorization specifying the fixed location shall be made as soon as possible but not later than 30 days after the expiration of the 1-year period.

(b) A Class A mobile station authorized in this service may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section: *Provided*, That when the area of operation is changed for a period exceeding 7 days, the following procedure shall be observed:

(1) When the change of area of operation occurs inside the same Radio District, the Engineer in Charge of the Radio District involved and the Commission's office, Washington, D.C., 20554, shall be notified.

(2) When the station is moved from one Radio District to another, the Engineers in Charge of the two Radio Districts involved and the Commission's office, Washington, D.C., 20554, shall be notified.

(c) A Class B, Class C or Class D mobile station may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section.

(d) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which

the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 95.119 Control points, dispatch points, and remote control.

(a) A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative. Each Class A base or fixed station shall be provided with a control point, the location of which will be specified in the license. The location of the control point must be the same as the transmitting equipment unless the application includes a request for a different location. Exception to the requirement for a control point may be made by the Commission upon specific request and justification therefor in the case of certain unattended Class A stations employing special emissions pursuant to § 95.47(e). Authority for such exception must be shown on the license.

(b) A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the proper operation of the transmitter. No authorization is required to install dispatch points.

(c) Remote control of a Citizens radio station means the control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft, or vehicle shall not be considered remote control. A Class A base or fixed station may be authorized to be used or operated by remote control from another fixed location or from mobile units: *Provided*, That adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from each remote control position should improper operation occur.

(d) Operation of any Class B, Class C or Class D station by remote control is prohibited.

§ 95.121 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) [Reserved]

(c) Such communications are conducted under the direction of civil defense authorities.

(d) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(e) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(f) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

SUBPART E—OPERATION OF CITIZENS RADIO STATIONS IN THE UNITED STATES BY CANADIANS

§ 95.131 Basis, purpose and scope.

(a) The rules in this subpart are based on, and are applicable solely to the agreement (TIAS #6931) between the United States and Canada, effective July 24, 1970, which permits Canadian stations in the General Radio Service to be operated in the United States.

(b) The purpose of this subpart is to implement the agreement (TIAS #6931) between the United States and Canada by prescribing rules under which a Canadian licensee in the General Radio Service may operate his station in the United States.

§ 95.133 Permit required.

Each Canadian licensee in the General Radio Service desiring to operate his radio station in the United States, under the provisions of the agreement (TIAS #6931), must obtain a permit for such operation from the Federal Communications Commission. A permit for such operation shall be issued only to a person holding a valid license in the General Radio Service issued by the appropriate Canadian governmental authority.

§ 95.135 Application for permit.

(a) Application for a permit shall be made on FCC Form 410-B. Form 410-B may be obtained from the Commission's Washington, D.C., office or from any of the Commission's field offices. A separate application form shall be filed for each station or transmitter desired to be operated in the United States.

(b) The application form shall be completed in full in English and signed by the applicant. The application must be filed by mail or in person with the Federal Communications Commission, Gettysburg, Pa. 17325, U.S.A. To allow sufficient time for processing, the application should be filed at least 60 days before the date on which the applicant desires to commence operation.

(c) The Commission, at its discretion, may require the Canadian licensee to give evidence of his knowledge of the Commission's applicable rules and regulations. Also the Commission may require the applicant to furnish any additional information it deems necessary.

§ 95.137 Issuance of permit.

(a) The Commission may issue a permit under such conditions, restrictions and terms as it deems appropriate.

(b) Normally, a permit will be issued to expire 1 year after issuance but in no event after the expiration of the license issued to the Canadian licensee by his government.

(c) If a change in any of the terms of a permit is desired, an application for modification of the permit is required. If operation beyond the expiration date of a permit is desired an application for renewal of the permit is required. Application for modification or for renewal of a permit shall be filed on FCC Form 410-B.

(d) The Commission, in its discretion, may deny any application for a permit under this subpart. If an application is denied, the applicant will be notified by letter. The applicant may, within 30 days of the mailing of such letter, request the Commission to reconsider its action.

§ 95.139 Modification or cancellation of permit.

At any time the Commission may, in its discretion, modify or cancel any permit issued under this subpart. In this event, the permittee will be notified of the Commission's action by letter mailed to his mailing address in the United States and the permittee shall comply immediately. A permittee may, within 30 days of the mailing of such letter, request the Commission to reconsider its action. The filing of a request for reconsideration shall not stay the effectiveness of that action, but the Commission may stay its action on its own motion.

§ 95.141 Possession of permit.

The current permit issued by the Commission, or a photocopy thereof, must be in the possession of the operator or attached to the transmitter. The license issued to the Canadian licensee by his government must also be in his possession while he is in the United States.

§ 95.143 Knowledge of rules required.

Each Canadian permittee, operating under this subpart, shall have read and understood this Part 95, Citizens Radio Service.

§ 95.145 Operating conditions.

(a) The Canadian licensee may not under any circumstances begin operation until he has received a permit issued by the Commission.

(b) Operation of station by a Canadian licensee under a permit issued by the Commission must comply with all of the following:

(1) The provisions of this subpart and of Subparts A through D of this part.

(2) Any further conditions specified on the permit issued by the Commission.

§ 95.147 Station identification.

The Canadian licensee authorized to operate his radio station in the United States under the provisions of this subpart shall identify his station by the call sign issued by the appropriate authority of the government of Canada followed by the station's geographical location in the United States as nearly as possible by city and state.