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BILL ANALYSIS

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Senate Bill 626 (Substitute S-1 as reported)
Sponsor: Senator John D. Cherry, Jr.
Committee: Judiciary

Date Completed: 11-6-89

RATIONALE

Amateur radio operators with certain Federal Communications Commission (FCC) licenses are statutorily allowed to equip vehicles with, and use, radios that receive signals on frequencies designated for police use. These amateur operators reportedly assist police on occasion and must hold permits from the State Police. The FCC recently has revised its regulations, including the definitions of some license categories. The FCC reportedly added holders of "technician class" licenses to the list of those amateur radio operators who can use vehicle-equipped radios that receive police frequencies, and dropped holders of "conditional" licenses from that list. Since an estimated 3,500-4,000 people hold technician's licenses in Michigan, some feel that the State law should be amended to conform to the revised FCC regulations.

CONTENT

The bill would amend the Michigan Penal Code to exempt an amateur radio operator who held a "technician class" license from the prohibition against equipping a vehicle with a radio, or using a radio so equipped, that receives signals sent on frequencies assigned by the Federal Communications Commission (FCC) for police purposes. The bill also would remove an existing exemption from that prohibition for a "conditional" licensee. Others currently exempt from the prohibition include peace officers and amateur radio operators holding a general, advanced, or

extra class license. Those licenses must be issued by the FCC, as would a technician class license, and the licensees must secure a permit from the State Police. A violation of the prohibition is a misdemeanor, punishable by up to one year's imprisonment, a maximum fine of \$500, or both.

MCL 750.508

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Since Michigan law does not specifically allow technician class licensees to use vehicle-equipped radios that receive police frequencies, even though FCC regulations allow such use, those technician licensees who do so technically are breaking the law. In fact, according to committee testimony, people with a technician's license have been subject to arrest and their equipment has been confiscated. The bill should be enacted in order to make Michigan law consistent with Federal regulations.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 626 (11-6-89)