

Federal Communications Commission

§ 13.9

bear a restrictive endorsement as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the FCC which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(ii) In the case of a license that does not require an examination in technical radio matters, the endorsement specified in paragraph (c)(6)(i) of this section will be modified by deleting the reference therein to installation, service, and maintenance duties.

(iii) In any case where an applicant who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by paragraph (c)(6)(i) of this section, indicates a desire to operate a station falling within the prohibited terms of the endorsement, the applicant may request in writing that such endorsement not be placed upon, or be removed from his or her license, and may submit written comments or statements from other parties in support thereof.

(iv) An applicant who shows that he has performed satisfactorily the duties of a radio operator at a station required to be provided for safety purposes during a period when he or she was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his or her current application shall not be deemed to be within the provisions of paragraph (c)(6)(i) of this section.

(d) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to an aircraft pilot who is not legally eligible for employment in the United States is valid only for operating radio stations on aircraft.

(e) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to a person under the provision of Section 303(1)(2) of the Communications Act of 1934, as amended, is valid only for the operation of radio

stations for which that person is the station licensee.

[58 FR 9124, Feb. 19, 1993; 58 FR 12632, Mar. 5, 1993, as amended at 68 FR 46958, Aug. 7, 2003; 73 FR 4479, Jan. 25, 2008]

§ 13.8 Authority conveyed.

Licenses, certificates and permits issued under this part convey authority for the operating privileges of other licenses, certificates, and permits issued under this part as specified below:

(a) First Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Second Class Radiotelegraph Operator's Certificate, the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

(b) A Second Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

(c) A Third Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Restricted Radiotelephone Operator Permit and the Marine Radio Operator Permit.

(d) A General Radiotelephone Operator License conveys all of the operating authority of the Marine Radio Operator Permit.

(e) A GMDSS Radio Operator's License conveys all of the operating authority of the Marine Radio Operator Permit.

(f) A GMDSS Radio Maintainer's License conveys all of the operating authority of the General Radiotelephone Operator License and the Marine Radio Operator Permit.

[64 FR 53240, Oct. 1, 1999]

§ 13.9 Eligibility and application for new license or endorsement.

(a) If found qualified, the following persons are eligible to apply for commercial radio operator licenses:

(1) Any person legally eligible for employment in the United States.

(2) Any person, for the purpose of operating aircraft radio stations, who holds:

(i) United States pilot certificates; or

(ii) Foreign aircraft pilot certificates which are valid in the United States, if the foreign government involved has entered into a reciprocal agreement under which such foreign government does not impose any similar requirement relating to eligibility for employment upon United States citizens.

(3) Any person who holds a FCC radio station license, for the purpose of operating that station.

(4) Notwithstanding any other provisions of the FCC's rules, no person shall be eligible to be issued a commercial radio operator license when

(i) The person's commercial radio operator license is suspended, or

(ii) The person's commercial radio operator license is the subject of an ongoing suspension proceeding, or

(iii) The person is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(b)(1) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, Six Months Service Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License and GMDSS Radio Operator/Maintainer License must be filed on FCC Form 605 in accordance with §1.913 of this chapter.

(2) Each application for a Restricted Radiotelephone Operator Permit or a Restricted Radiotelephone Operator Permit-Limited Use must be filed on FCC Form 605 in accordance with §1.913 of this chapter.

(c) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer Li-

cence must be accompanied by the required fee, if any, and submitted in accordance with §1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examination element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application electronically on behalf of the applicant an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year.

(d) An applicant will be given credit for an examination element as specified below:

(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: The written examination and telegraphy Element(s) required to obtain the license held; and

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license grant granted before April 15, 2000: Telegraphy Elements 1 and 2.

(e) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person whose application for a commercial radio operator license has been received by the FCC but which has not yet been acted upon and who holds a PPC(s) indicating that he or she passed the necessary examination(s) within the previous 365 days, is authorized to exercise the rights and privileges of the operator license for which the application was received. This authority is valid for a period of 90 days from the date the application was received. The FCC, in its discretion, may cancel this temporary conditional operating authority without a hearing.

(f) Each application for a new six months service endorsement must be submitted in accordance with §1.913 of this chapter. The application must include documentation showing that:

(1) The applicant was employed as a radio operator on board a ship or ships of the United States for a period totaling at least six months;

(2) The ships were equipped with a radio station complying with the provisions of part II of title III of the Communications Act, or the ships were

owned and operated by the U.S. Government and equipped with radio stations;

(3) The ships were in service during the applicable six month period and no portion of any single in-port period included in the qualifying six months period exceeded seven days;

(4) The applicant held a FCC-issued First or Second Class Radiotelegraph Operator's Certificate during this entire six month qualifying period; and

(5) The applicant holds a radio officer's license issued by the U.S. Coast Guard at the time the six month endorsement is requested.

(g) No person shall alter, duplicate for fraudulent purposes, or fraudulently obtain or attempt to obtain an operator license. No person shall use a license issued to another or a license that he or she knows to be altered, duplicated for fraudulent purposes, or fraudulently obtained. No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an operator license by fraudulent means.

[58 FR 9124, Feb. 19, 1993, as amended at 59 FR 3795, Jan. 27, 1994; 60 FR 27699, May 25, 1995; 63 FR 68942, Dec. 14, 1998; 66 FR 20752, Apr. 25, 2001; 68 FR 46958, Aug. 7, 2003]

§ 13.10 Licensee address.

In accordance with § 1.923 of this chapter all applications must specify an address where the applicant can receive mail delivery by the United States Postal Service except as specified below:

(a) Applicants for a Restricted Radiotelephone Operator Permit;

(b) Applicants for a Restricted Radiotelephone Operator Permit—Limited Use.

[64 FR 53240, Oct. 1, 1999]

§ 13.11 Holding more than one commercial radio operator license.

(a) An eligible person may hold more than one commercial operator license except as follows:

(1) No person may hold two or more unexpired radiotelegraph operator's certificates at the same time;

(2) No person may hold any class of radiotelegraph operator's certificate and a Marine Radio Operator Permit;

(3) No person may hold any class of radiotelegraph operator's certificate and a Restricted Radiotelephone Operator Permit.

(b) Each person who is not legally eligible for employment in the United States, and certain other persons who were issued permits prior to September 13, 1982, may hold two Restricted Radiotelephone Operator Permits simultaneously when each permit authorizes the operation of a particular station or class of stations.

§ 13.13 Application for a renewed or modified license.

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Third Class Radiotelegraph Operator's Certificate must be made on FCC Form 605. The application must be accompanied by the appropriate fee and submitted in accordance with § 1.913 of this chapter.

(b) If a license expires, application for renewal may be made during a grace period of five years after the expiration date without having to retake the required examinations. The application must be accompanied by the required fee and submitted in accordance with § 1.913 of this chapter. During the grace period, the expired license is not valid. A license renewed during the grace period will be effective as of the date of the renewal. Licensees who fail to renew their license within the grace period must apply for a new license and take the required examination(s).

(c) Each application involving a change in operator class must be filed on FCC Form 605. Each application for a commercial operator license involving a change in operator class must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examinations element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application electronically on behalf of the applicant an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year.