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licensee continues to remain responsible for complying with all of the operating conditions and requirements associated with its license.

(4) Marketing, as used in this section, includes sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease.

(5) Products operating under the provisions of this paragraph (e) shall not be recognized to have any vested or recognizable right to continued use of any frequency. Operation is subject to the conditions that no harmful interference is caused and that any interference received must be accepted. Operation shall be required to cease upon notification by a Commission representative that the device is causing harmful interference and shall not resume until the condition causing the harmful interference is corrected.

(f) For radio frequency devices subject to verification and sold solely to business, commercial, industrial, scientific, and medical users (excluding products sold to other parties or for operation in a residential environment), parties responsible for verification of the devices shall have the option of ensuring compliance with the applicable technical specifications of this chapter at each end user's location after installation, provided that the purchase or lease agreement includes a proviso that such a determination of compliance be made and is the responsibility of the party responsible for verification of the equipment. If the purchase or lease agreement contains this proviso and the responsible party has the product measured to ensure compliance at the end user's location, the product does not need to be labelled with the statement in paragraph (c) of this section.

(g) The provisions in paragraphs (b) through (f) of this section apply only to devices that are designed to comply with, and to the best of the responsible party's knowledge will, upon testing, comply with all applicable requirements in this chapter. The provisions in paragraphs (b) through (f) of this section do not apply to radio frequency devices that could not be authorized or legally operated under the current

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rules. Such devices shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.

(h) The provisions in subpart K of this part continue to apply to imported radio frequency devices.

[62 FR 10468, Mar. 7, 1997, as amended at 63 FR 31646, June 10, 1998; 63 FR 36597, July 7, 1998]

§2.807 Statutory exceptions.

As provided by Section 302(c) of the Communications Act of 1934, as amended, §2.803 shall not be applicable to:

(a) Carriers transporting radio-frequency devices without trading in them.

(b) Radiofrequency devices manufactured solely for export.

(c) The manufacture, assembly, or installation of radiofrequency devices for its own use by a public utility engaged in providing electric service: *Provided, however,* That no such device shall be operated if it causes harmful interference to radio communications.

(d) Radiofrequency devices for use by the Government of the United States or any agency thereof: *Provided, however,* That this exception shall not be applicable to any device after it has been disposed of by such Government or agency.

[35 FR 7898, May 22, 1970, as amended at 62 FR 10470, Mar. 7, 1997]

§2.811 Transmitters operated under part 73 of this chapter.

Section 2.803(a) through (d) shall not be applicable to a transmitter operated in any of the Radio Broadcast Services regulated under part 73 of this chapter, provided the conditions set out in part 73 of this chapter for the acceptability of such transmitter for use under licensing are met.

[62 FR 10470, Mar. 7, 1997]

§2.813 Transmitters operated in the Instructional Television Fixed Service.

Section 2.803 (a) through (d) shall not be applicable to a transmitter operated in the Instructional Television Fixed

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Service regulated under part 74 of this chapter, provided the conditions in § 74.952 of this chapter for the acceptability of such transmitter for licensing are met.

[62 FR 10470, Mar. 7, 1997]

§ 2.815 External radio frequency power amplifiers.

(a) As used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

(b) No person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier capable of operation on any frequency or frequencies below 144 MHz unless the amplifier has received a grant of certification in accordance with subpart J of this part and other relevant parts of this chapter. These amplifiers shall comply with the following:

(1) The external radio frequency power amplifier shall not be capable of amplification in the frequency band 26–28 MHz.

(2) The amplifier shall not be capable of easy modification to permit its use as an amplifier in the frequency band 26–28 MHz.

(3) No more than 10 external radio frequency power amplifiers may be constructed for evaluation purposes in preparation for the submission of an application for a grant of certification.

(4) If the external radio frequency power amplifier is intended for operation in the Amateur Radio Service under part 97 of this chapter, the requirements of §§ 97.315 and 97.317 of this chapter shall be met.

[40 FR 1246, Jan. 7, 1975; 40 FR 6474, Feb. 12, 1975, as amended at 43 FR 12687, Mar. 27, 1978; 43 FR 33725, Aug. 1, 1978; 46 FR 18981, Mar. 27, 1981; 62 FR 10470, Mar. 7, 1997; 71 FR 66461, Nov. 15, 2006]

Subpart J—Equipment Authorization Procedures

SOURCE: 39 FR 5919, Feb. 15, 1974, unless otherwise noted.

GENERAL PROVISIONS

§ 2.901 Basis and purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment and parts or components thereof. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards provided, the rules governing the service may require that such equipment be verified by the manufacturer or importer, be authorized under a Declaration of Conformity, or receive an equipment authorization from the Commission by one of the following procedures: certification or registration.

(b) The following sections describe the verification procedure, the procedure for a Declaration of Conformity, and the procedures to be followed in obtaining certification from the Commission and the conditions attendant to such a grant.

[61 FR 31045, June 19, 1996, as amended at 62 FR 10470, Mar. 7, 1997; 63 FR 36597, July 7, 1998]

§ 2.902 Verification.

(a) Verification is a procedure where the manufacturer makes measurements or takes the necessary steps to insure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested by the Commission pursuant to § 2.957, of this part.

(b) Verification attaches to all items subsequently marketed by the manufacturer or importer which are identical as defined in § 2.908 to the sample