

making the most effective use of the amateur service frequencies. No frequency will be assigned for the exclusive use of any station.

(c) At all times and on all frequencies, each control operator must give priority to stations providing emergency communications, except to stations transmitting communications for training drills and tests in RACES.

(d) No amateur operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

#### **§ 97.103 Station licensee responsibilities.**

(a) The station licensee is responsible for the proper operation of the station in accordance with the FCC Rules. When the control operator is a different amateur operator than the station licensee, both persons are equally responsible for proper operation of the station.

(b) The station licensee must designate the station control operator. The FCC will presume that the station licensee is also the control operator, unless documentation to the contrary is in the station records.

(c) The station licensee must make the station and the station records available for inspection upon request by an FCC representative.

[54 FR 25857, June 20, 1989, as amended at 71 FR 66462, Nov. 15, 2006; 75 FR 27201, May 14, 2010]

#### **§ 97.105 Control operator duties.**

(a) The control operator must ensure the immediate proper operation of the station, regardless of the type of control.

(b) A station may only be operated in the manner and to the extent permitted by the privileges authorized for the class of operator license held by the control operator.

#### **§ 97.107 Reciprocal operating authority.**

A non-citizen of the United States ("alien") holding an amateur service authorization granted by the alien's government is authorized to be the control operator of an amateur station located at places where the amateur service is regulated by the FCC, pro-

vided there is in effect a multilateral or bilateral reciprocal operating arrangement, to which the United States and the alien's government are parties, for amateur service operation on a reciprocal basis. The FCC will issue public announcements listing the countries with which the United States has such an arrangement. No citizen of the United States or person holding an FCC amateur operator/primary station license grant is eligible for the reciprocal operating authority granted by this section. The privileges granted to a control operator under this authorization are:

(a) For an amateur service license granted by the Government of Canada:

(1) The terms of the *Convention Between the United States and Canada* (TIAS No. 2508) *Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country*;

(2) The operating terms and conditions of the amateur service license issued by the Government of Canada; and

(3) The applicable rules of this part, but not to exceed the control operator privileges of an FCC-granted Amateur Extra Class operator license.

(b) For an amateur service license granted by any country, other than Canada, with which the United States has a multilateral or bilateral agreement:

(1) The terms of the agreement between the alien's government and the United States;

(2) The operating terms and conditions of the amateur service license granted by the alien's government;

(3) The applicable rules of this part, but not to exceed the control operator privileges of an FCC-granted Amateur Extra Class operator license; and

(c) At any time the FCC may, in its discretion, modify, suspend or cancel the reciprocal operating authority granted to any person by this section.

[63 FR 68979, Dec. 14, 1998]

#### **§ 97.109 Station control.**

(a) Each amateur station must have at least one control point.

(b) When a station is being locally controlled, the control operator must

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be at the control point. Any station may be locally controlled.

(c) When a station is being remotely controlled, the control operator must be at the control point. Any station may be remotely controlled.

(d) When a station is being automatically controlled, the control operator need not be at the control point. Only stations specifically designated elsewhere in this part may be automatically controlled. Automatic control must cease upon notification by a District Director that the station is transmitting improperly or causing harmful interference to other stations. Automatic control must not be resumed without prior approval of the District Director.

[54 FR 39535, Sept. 27, 1989, as amended at 60 FR 26001, May 16, 1995; 69 FR 24997, May 5, 2004]

### §97.111 Authorized transmissions.

(a) An amateur station may transmit the following types of two-way communications:

(1) Transmissions necessary to exchange messages with other stations in the amateur service, except those in any country whose administration has notified the ITU that it objects to such communications. The FCC will issue public notices of current arrangements for international communications.

(2) Transmissions necessary to meet essential communication needs and to facilitate relief actions.

(3) Transmissions necessary to exchange messages with a station in another FCC-regulated service while providing emergency communications;

(4) Transmissions necessary to exchange messages with a United States government station, necessary to providing communications in RACES; and

(5) Transmissions necessary to exchange messages with a station in a service not regulated by the FCC, but authorized by the FCC to communicate with amateur stations. An amateur station may exchange messages with a participating United States military station during an Armed Forces Day Communications Test.

(b) In addition to one-way transmissions specifically authorized elsewhere in this part, an amateur station

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may transmit the following types of one-way communications:

(1) Brief transmissions necessary to make adjustments to the station;

(2) Brief transmissions necessary to establishing two-way communications with other stations;

(3) Telecommand;

(4) Transmissions necessary to providing emergency communications;

(5) Transmissions necessary to assisting persons learning, or improving proficiency in, the international Morse code; and

(6) Transmissions necessary to disseminate information bulletins.

(7) Transmissions of telemetry.

[54 FR 25857, June 20, 1989, as amended at 56 FR 56171, Nov. 1, 1991; 71 FR 25982, May 3, 2006; 71 FR 66462, Nov. 15, 2006]

### §97.113 Prohibited transmissions.

(a) No amateur station shall transmit:

(1) Communications specifically prohibited elsewhere in this part;

(2) Communications for hire or for material compensation, direct or indirect, paid or promised, except as otherwise provided in these rules;

(3) Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer, with the following exceptions:

(i) A station licensee or control station operator may participate on behalf of an employer in an emergency preparedness or disaster readiness test or drill, limited to the duration and scope of such test or drill, and operational testing immediately prior to such test or drill. Tests or drills that are not government-sponsored are limited to a total time of one hour per week; except that no more than twice in any calendar year, they may be conducted for a period not to exceed 72 hours.

(ii) An amateur operator may notify other amateur operators of the availability for sale or trade of apparatus normally used in an amateur station, provided that such activity is not conducted on a regular basis.

(iii) A control operator may accept compensation as an incident of a teaching position during periods of time when an amateur station is used by