

(a) If a Federal court finds that a Personal Radio Service station operator has willfully and knowingly violated any provision of the Communications Act, that operator may be fined up to \$10,000 or be imprisoned for a period not exceeding one year, or both. Upon a subsequent violation, the imprisonment may be for a period not exceeding two years. *See* §501 of the Communications Act (47 U.S.C. 501).

(b) If a Federal court finds that a Personal Radio Service station operator has willfully and knowingly violated any FCC rule, the operator may be fined up to \$500 for each violation, or in the case of a continuing violation, \$500 for each day that the violation continued. *See* section 502 of the Communications Act (47 U.S.C. 502).

(c) If the FCC finds that a Personal Radio Service station operator has willfully or repeatedly violated one or more sections of the Communications Act or of the FCC Rules, that operator may be liable for forfeiture. *See* §1.80 of this chapter for details about the forfeiture procedures and amounts.

(d) If the FCC finds that a Personal Radio Service station operator is using a Personal Radio Service station in a way that violates one or more sections of the Communications Act or of the FCC Rules, the FCC may order the operator to cease and desist (*i.e.*, immediately stop operating the station). *See* §312(b) of the Communications Act (47 U.S.C. 312(b)).

§ 95.315 [Reserved]

§ 95.317 Registration of antenna structures that may constitute a menace to air navigation.

(a) Each antenna structure used for a Personal Radio Service station is subject to the antenna structure rules set forth in part 17 of this chapter. In particular, the owner of an antenna structure that is more than 60.96 m (200 ft) in height above ground level (*see* §17.7 of this chapter for specific criteria) may be required to notify the FAA and register the antenna structure with the FCC.

(b) Further, stations located on or near a military or public-use airport with an antenna structure that is more than 6.10 meters (20 feet) high may have to obey additional restrictions.

The highest point of the antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between the antenna and the airport runway may complicate this formula. For stations near an airport, *see* <http://appsint.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp> to figure the maximum allowable height of the antenna. Consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ 95.319 Malfunctioning transmitting equipment.

If the operator of a Personal Radio Services station becomes aware that the transmitting equipment is no longer functioning properly, he or she must stop making transmissions (except for emergency communications) using the malfunctioning transmitting equipment until it has been adjusted and/or repaired, as necessary, to restore proper operation.

(a) *FCC request to discontinue operation.* If an FCC representative informs a Personal Radio Services station operator that the technical characteristics of his or her transmitted signals are not in compliance with the applicable rules (*e.g.*, regarding power, unwanted emissions, frequency accuracy), he or she must immediately stop making transmissions with the transmitter producing the non-compliant signals.

(b) *Internal repairs.* Internal adjustments and repairs to Personal Radio Services transmitters must be performed by or under the supervision of an individual who is qualified to maintain and repair transmitters.

(c) *Test transmissions.* The operator of any Personal Radio Services station may make brief test transmissions to verify the functional status of the transmitting equipment at any time, provided that such transmissions do not cause interference to the communications of other stations. A qualified individual maintaining or repairing a Personal Radio station transmitter in accordance with paragraph (b) of this section may make test transmissions as necessary to maintain or repair the

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transmitter, provided that such transmissions do not cause interference to communications of other stations.

§ 95.321 [Reserved]

§ 95.323 FCC inspection of station.

If an authorized FCC representative requests to inspect any station in the Personal Radio Services, the station operator or licensee must make the station and any applicable records available for inspection.

§ 95.325 Interference.

Operators of Personal Radio Service stations experiencing or causing interference must first attempt to eliminate the interference by means of mutually satisfactory arrangements. If the operators are unable to resolve an interference problem, the FCC may impose restrictions including specifying the channels, maximum transmitting power, maximum antenna height and geographic area or hours of operation of the stations concerned.

§ 95.327 Restricted operation.

The FCC may deny or restrict the use by any operator(s) of any specified channel(s) in a specified geographic area if, in the judgment of the FCC, such use is not in the public interest. Furthermore, the FCC may restrict the use by any particular operator(s) of any channel as to geographical area of operation, transmitting power, or other operating conditions.

§ 95.329 How to contact the FCC.

For information about the Personal Radio Services, see the FCC's internet Web site (www.fcc.gov). To speak with an FCC representative about the Personal Radio Services, call the FCC's information line 888-CALL-FCC (888-225-5322). To write the FCC about these services, address the Federal Communications Commission, Attention: Mobility Division, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554.

§ 95.331 Permissible uses.

Personal Radio Services stations may be used only for the purposes set forth in the rules applicable to each specific Personal Radio Service.

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§ 95.333 Prohibited uses.

No person shall use a Personal Radio Service station:

(a) In connection with any activity which is against Federal, State or local law;

(b) To transmit advertisements or program material associated with television or radio broadcasting;

(c) To transmit messages for hire or provide a common carrier service;

(d) To intentionally interfere with the communications of another station;

(e) To transmit obscene, profane or indecent words, language or meaning; or

(f) To transmit a false or deceptive communication.

§ 95.335 Operation of non-certified transmitters prohibited.

Except as provided in paragraph (a) of this section, no person shall operate a transmitter in any Personal Radio Service unless it is a certified transmitter; that is, a transmitter of a type which has obtained a grant of equipment certification for that service, pursuant to part 2, subpart J of this chapter. Use of a transmitter that is not FCC-certified voids the user's authority to operate that station. *See* sections 302(a), (b), and (e) of the Communications Act (47 U.S.C. 302(a), (b), and (e)).

(a) *Exceptions.* Under certain exceptions, non-certified Personal Radio Service transmitters, or transmitters certified for use in the land mobile radio services may be operated. Any such exceptions applicable to stations in a Personal Radio Service are set forth in the subpart governing that specific service. *See e.g.*, §§95.735 and 95.1735.

(b) *Revoked or withdrawn certification.* In the event that the FCC revokes or withdraws a grant of equipment certification for a type of Personal Radio Service transmitter, existing transmitters already in service may continue to be operated unless and until the FCC determines otherwise and gives Public Notice of that decision.

(c) *Grantee permissible modifications.* Only the grantee of the equipment certification may modify the design of a