

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 404

4
5 By: Senator C. Penzo

For An Act To Be Entitled

8 AN ACT TO ENSURE REASONABLE REGULATION OF AMATEUR
9 RADIO SERVICE STATION ANTENNA STRUCTURES; TO PROHIBIT
10 THE REGULATION OF AMATEUR RADIO SERVICE STATION
11 ANTENNA STRUCTURES BY CONTRACT; AND FOR OTHER
12 PURPOSES.

Subtitle

15 TO ENSURE REASONABLE REGULATION OF
16 AMATEUR RADIO SERVICE STATION ANTENNA
17 STRUCTURES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 5 – Regulation of Amateur Radio Service Station Antenna Structures

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27 14-1-501. Amateur radio service station antenna structures –
28 Legislative findings and intent.

29 (a) The General Assembly finds that:

30 (1) In times of flooding, ice storms, windstorms, and other
31 natural disasters and emergencies, conventional communication facilities may
32 be disrupted or unusable;

33 (2) Access to communication in times of emergencies and natural
34 disasters is vital to provide accurate information and direct sufficient
35 resources to assist the citizens of this state;

36 (3) Amateur radio service provides vital access to communication



1 during natural disasters and emergencies;

2 (4) Amateur radio operators provide invaluable services by
3 carrying on communications that save lives and property and make important
4 contributions to local communities during emergencies and natural disasters;

5 (5) Amateur radio service is regulated by federal law;

6 (6)(A) Federal law under 47 C.F.R. § 97.15 provides that an
7 amateur radio service station antenna structure may be erected at heights and
8 dimensions sufficient to accommodate amateur service communication.

9 (B) State and local government regulation of an amateur
10 radio service station antenna structure shall not preclude amateur service
11 communications.

12 (C) State and local government regulation shall:

13 (i) Reasonably accommodate amateur service
14 communication; and

15 (ii) Constitute the minimum practicable regulation
16 to accomplish the state or local government's legitimate purpose;

17 (7) Radio service operators construct, operate, and maintain
18 amateur radio service stations at their own expense; and

19 (8) Recent regulation by local government has impaired the
20 ability of owners of certain amateur radio service station antenna structures
21 to erect amateur radio service station antenna structures that are allowed
22 under federal law and is therefore unreasonable.

23 (b) It is the intent of the General Assembly that an owner may erect
24 an amateur radio service station antenna structure at heights and dimensions
25 sufficient to accommodate amateur radio service communications as allowed
26 under federal law.

27 (c)(1) Local government regulation of an amateur radio service station
28 antenna structure shall not preclude amateur radio service communications.

29 (2) Any regulation of amateur radio service station antenna
30 structures by a local government shall:

31 (A) Reasonably accommodate amateur radio service
32 communications as allowed under federal law; and

33 (B) Constitute the minimum practicable regulation of
34 amateur radio service station antenna structures to accomplish the local
35 government's legitimate purpose.

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1 SECTION 2. Arkansas Code Title 18, Chapter 12, Subchapter 1, is
2 amended to add an additional section to read as follows:

3 18-12-109. Amateur radio service station antenna structures –
4 Restrictions on regulation – Definition.

5 (a) As used in this section, "association" means a nonprofit,
6 mandatory-membership organization:

7 (1) Comprised of owners of homes, condominiums, units in a
8 horizontal property regime, cooperatives, manufactured homes, or any other
9 interest in real property; and

10 (2) Created pursuant to declaration, covenant, bill of
11 assurance, master deed, or other applicable law.

12 (b) An association shall not regulate the installation of an amateur
13 radio service station antenna structure through a contract or any recorded or
14 unrecorded document if that regulation would preclude amateur radio service
15 communications.

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