

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 404

By: Senator C. Penzo

For An Act To Be Entitled

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

Subtitle

TO ENSURE REASONABLE REGULATION OF
AMATEUR RADIO SERVICE STATION ANTENNA
STRUCTURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

Subchapter 5 – Regulation of Amateur Radio Service Station Antenna Structures

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

(a) The General Assembly finds that:

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

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

(3) Amateur radio service provides vital access to communication



during natural disasters and emergencies;

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

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

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

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

(C) State and local government regulation shall:

(i) Reasonably accommodate amateur service communication; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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