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Talking Points Regarding Senate Bill No. 74

The following are talking points in favor of significant changes to Virginia Senate Bill No. 74 amendments to § 46.2-1078.1 of the Code of Virginia, pertaining to the use of handheld personal communications devices as offered on January 10, 2018 to the Transportation Committee.

- The bill makes it unlawful to operate amateur radio equipment while operating a moving motor vehicle, except while participating in emergency communications or drills on behalf of federal, state, or local authorities or communications services to localities in the Commonwealth for public service events. On the other hand, the bill provides an exception making it lawful for the use of a citizens band radio (CB) at any time.
- The only difference between CB operation and amateur radio operation is the FCC frequency authorized for use; and the additional operating rules amateur radio operators must follow as licensed by FCC. One might be prompted to ask: “how can one operation be any safer than the other?” The radio transceiver equipment used can be identical. The entire universe of two-way radio operations is built on the same foundation, most often using microphones connected to transceivers with very similar technology whether for amateur radio, public safety, critical infrastructure, business, industrial, or transportation industries.
- Amateur radio operators have a mandate for public service as noted in Part 97 of FCC regulations, whereas CB radio is strictly for private use under FCC regulations. This obligates states to accommodate amateur radio more than CB with state laws. By example amateur radio is recognized by every state as a public benefit, contrary to CB radio. Every State issues license plates to motor vehicles of licensed radio amateurs showing their FCC-assigned call letters, in order to identify vehicles mobile-amateur radio- equipped vehicles. States have not made any special recognition of CB radio.
- It is critical that amateur radio operators be allowed to operate their mobile radios routinely to maintain the training and skill they need so that when life, health or property damage are threatened they are able to perform flawlessly in service to the public because that is what is expected. There is no similar expectation of CB operators.
- There is no evidence that amateur radio is a significant risk factor for motor vehicle accidents. In fact, in 2009 the National Safety Council provided a finding to the American Radio Relay League stating:
“...We are not aware of evidence that using amateur radios while driving has significant crash risks. We also have no evidence that using two-way radios while driving poses significant crash risks ... the NSC does not support legislative bans or prohibition on their use...”

In view of the foregoing, Senate Bill No. 74 should be significantly modified or withdrawn because in its current form, it may do more harm than good by needlessly restricting the readiness of amateur radio operators to serve the public during emergencies and significantly suppressing public, private, and commercial/business two-way radio activity with little or no public benefit. The Alexandria Radio Club stands ready to provide assistance with drafting a bill that satisfies the overall aim of Senate bill #74 and does not cause undue harm. The Alexandria Radio Club may be reached at president@w4hfh.org.