

HB 1951 -- AMATEUR SERVICE COMMUNICATIONS

SPONSOR: Spencer

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 6 to 5. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 5 to 3.

This bill prohibits the use of deeds, restrictive covenants, or other contractual obligations involving land to impede the use of amateur service communications as defined in federal law. Reasonable accommodation for such services is required and any restrictions must be minimal and imposed in order to serve legitimate purposes. Restrictions on amateur service communications based on historic preservation are exempt from the requirements of the bill.

PROPOSERS: Supporters say that there are Homeowners Associations (HOA) that are superseding the laws as they pertain to ham radios. These ham radios are extremely important if there is an emergency. There is similar legislation being filed in Congress (HR 1301). Most HOA's do not understand the difference between an antennae and an antennae supporting structure.

Testifying for the bill were Representative Spencer; Jay Underdown; and Ward Silver.

OPPOSERS: Those who oppose the bill say that this bill would abolish a covenant that these individuals were aware of when they purchased the property. This bill will affect the quiet enjoyment of the individuals who live on or near the property affected.

Testifying against the bill was the Community Associations Institute.