

Testimony for House Bill 2010

My name is Bob Eckhardt, and I am here in support of House Bill 2010 if a change can be made to rectify an oversight. When passing legislation to restrict the use of cell phones and other devices in moving vehicles, it is important not to inadvertently impair other types of wireless communication that are necessary and can be accomplished safely. I am talking about amateur radio communication.

I have been a licensed amateur radio operator for 25 years and hold an extra class license issued by the FCC. For over 100 years amateur radio operators have been available to provide communications during virtually every kind of disaster. In fact, amateur radio communications was an important communication method used after the 1906 San Francisco earthquake. For the past 80 years amateur radio operators have been operating wireless communications equipment from moving vehicles, and have been doing so responsibly and safely. For the last 60 years, amateur radio operators, working from moving vehicles, have provided real-time storm reporting information to the National Weather Service and more recently local emergency managers and others.

The way the current bill is written, it could be illegal for licensed amateur radio operators to operate their equipment from a moving vehicle, and yet one of the most vital functions they perform all over the state is to provide real-time ground truth information to the National Weather Service during severe weather outbreaks.

I am respectfully requesting that the wording of House Bill 2010 be changed to not prohibit the use of two-way radio communications equipment such as that used in the Amateur Radio Service. The best way to accomplish this would be to revise the definition of "wireless communication device". This could be done in such a way to still prohibit devices such as cellular telephones, other unlicensed communication equipment, and other devices that send or receive messages, while still permitting licensed communication devices used by amateur radio operators and others. An attachment is included with this testimony that has wording that would accomplish this.

One might think a good solution would be just to add a provision to allow such operation only while the amateur radio operator is working in an official capacity or handling emergency traffic from a moving vehicle. But, in order to perform effectively and safely when working in a high stress or potentially dangerous situation requires the ability for them to operate their radio equipment intuitively, without thinking, so they can concentrate on the task at hand. They are only able to achieve this level of proficiency by being allowed to use their radio equipment on a day-in-day-out basis under normal operating conditions, which they have been doing safely and responsibly for eight decades.

In closing, I am sure the intent of House Bill 2010 is not to restrict valuable two-way radio communication, so please consider rectifying this oversight as this legislation moves forward.

Thank you for your time. I will be happy to answer questions at the appropriate time.

Proposed Definition for Personal Wireless Communications Device

“Personal Wireless Communications Device” as used herein means a device through which commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services are transmitted. Such devices include hand held or portable electronic equipment capable of providing full duplex, wireless voice or data communications via the public switched telephone network between two or more people, and devices for text messaging or paging, but do not include two-way radio communications equipment such as that used in the Amateur Radio Service or Private Land Mobile Radio Services (which are used for Public Safety, Governmental, and Industrial/Business); or a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

If Kansas legislation would use this definition for Personal Wireless Communications Device, it would be consistent with Public Law 112-141. This recommended definition for Personal Wireless Communications Device has three parts.

The first part, in green, is exact wording taken from a definition for “Personal Wireless Services” in FCC regulation 47 U.S.C. 332(c)(7)(C)(i). Some Federal laws including PL112-141 reference this definition. For those understanding wireless communication, it is obvious that Amateur Radio Service (as covered in 47 U.S.C Part 97) or Private Land Mobile Radio Services (as covered in 47 U.S.C Part 90) are not included in this definition. But for law enforcement and perhaps even the courts, it would not be so obvious.

The part in red is added to explain more precisely what kinds of devices would be included in this definition, such as cell phones, and then if the bill states that wireless communication devices would be prohibited from being used when operating a moving vehicle, it helps define what kind of devices that would be.

The part in blue explains more precisely what would be excluded by the definition in green. This would identify amateur radio as well of other governmental and industrial/business wireless two-way radios that would still be allowed to be used while operating a moving vehicle.