

This Time It's Drones: FCC Reminds Retailers, Manufacturers, and Operators of Responsibilities Regarding Equipment Authorization

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Simultaneously with issuing a nearly \$3,000,000 fine to [HobbyKing](#) for marketing unauthorized (and in some cases not capable of being authorized) audio/video ("AV") transmitters for use with drone mounted cameras, the Federal Communications Commission's ("FCC's" or "Commission's") Enforcement Bureau issued an [Advisory](#) Tuesday reminding retailer manufacturers, and operators of their obligations: no marketing or operation of unauthorized equipment except under very limited exceptions.

Having observed a growing number of websites that advertise and sell noncompliant radio accessories, specifically AV transmitters, intended for use with drones, the Bureau thought it was time to remind the public that advertising, selling, or otherwise marketing such devices if they are not certified under the FCC rules is generally illegal, as is using them. Only if AV transmitters operate *exclusively* within frequencies authorized for use only by amateur licensees may they be marketed without certification (although they must comply with all other relevant rules) and, if then, use is permitted *only* by licensed amateur operators. (Other operators of such devices that fall in the exception may be subject to penalties.) If AV transmitters operate on frequencies that fall outside the designated amateur frequency bands, even if they also operate within the amateur bands, they must first have a proper FCC certification before they can be advertised, sold, or operated within the United States. If they do not, then the Enforcement Bureau reminded the public that manufacturers, retailers, and operators may be exposed to substantial monetary penalties, citing recent cases ranging from \$190,000 to \$2,900,000 in forfeitures, and the regulatory limits of fines up to \$19,639 per day of marketing violations and up to \$147,290 for an ongoing violation.

The Advisory reminds the public that its equipment authorization-related requirements and potential penalties apply to all equipment, regardless of the country of origin, albeit the FCC regulations do not apply to equipment used by Federal government agencies, although the Department of Commerce ("DOC") and its National Telecommunications and Information Administration ("NTIA") may impose their own requirements for Federal agency use.

The Bureau reminds retailers and manufacturers to take the time to learn the FCC rules governing equipment authorization and comply with them. The Advisory recommends that drone operators, when buying accessories that either are electronic or have electronic components, should ensure that these devices or components are properly labeled as FCC-compliant. The Bureau also reminds

individuals without amateur licenses that they may not use drone equipment, such as AV transmitters that operate only on amateur frequencies, that is designed solely for use by amateur licensees.