

§ 73.1217

47 CFR Ch. I (10–1–00 Edition)

§ 73.1217 Broadcast hoaxes.

No licensee or permittee of any broadcast station shall broadcast false information concerning a crime or a catastrophe if:

- (a) The licensee knows this information is false;
- (b) It is foreseeable that broadcast of the information will cause substantial public harm, and
- (c) Broadcast of the information does in fact directly cause substantial public harm.

Any programming accompanied by a disclaimer will be presumed not to pose foreseeable harm if the disclaimer clearly characterizes the program as a fiction and is presented in a way that is reasonable under the circumstances.

NOTE: For purposes of this rule, "public harm" must begin immediately, and cause direct and actual damage to property or to the health or safety of the general public, or diversion of law enforcement or other public health and safety authorities from their duties. The public harm will be deemed foreseeable if the licensee could expect with a significant degree of certainty that public harm would occur. A "crime" is any act or omission that makes the offender subject to criminal punishment by law. A "catastrophe" is a disaster or imminent disaster involving violent or sudden event affecting the public.

[57 FR 28640, June 26, 1992]

§ 73.1225 Station inspections by FCC.

- (a) The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the station's business hours, or at any time it is in operation.
- (b) In the course of an inspection or investigation, an FCC representative may require special equipment tests, program tests or operation with nighttime or presunrise facilities during daytime hours pursuant to § 0.314, part 0, of the FCC rules.
- (c) The following records shall be made available by all broadcast stations upon request by representatives of the FCC.
 - (1) Equipment performance measurements required by §§ 73.1590 and 73.1690.
 - (2) The written designations for chief operators and, when applicable, the contracts for chief operators engaged on a contract basis.

(3) Application for modification of the transmission system made pursuant to § 73.1690(c).

(4) Informal statements or drawings depicting any transmitter modification made pursuant to § 73.1690(e).

(5) Station logs and special technical records.

(d) Commercial and noncommercial AM stations must make the following information also available upon request by representatives of the FCC.

(1) Copy of the most recent antenna or common-point impedance measurements.

(2) Copy of the most recent field strength measurements made to establish performance of directional antennas required by § 73.151.

(3) Copy of the partial directional antenna proofs of performance made in accordance with § 73.154 and made pursuant to the following requirements:

(i) Section 73.68, Sampling systems for antenna monitors.

(ii) Section 73.69, Antenna monitors.

(iii) Section 73.61, AM direction antenna field strength measurements.

[43 FR 45846, Oct. 4, 1978; 43 FR 50683, Oct. 31, 1978, as amended at 51 FR 41629, Nov. 18, 1986; 51 FR 44478, Dec. 10, 1986; 57 FR 48333, Oct. 23, 1992]

§ 73.1226 Availability to FCC of station logs and records.

The following shall be made available to any authorized representative of the FCC upon request:

- (a) Station records and logs shall be made available for inspection or duplication at the request of the FCC or its representative. Such logs or records may be removed from the licensee's possession by an FCC representative or, upon request, shall be mailed by the licensee to the FCC by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by an FCC representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the FCC

has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(1) Logs and records stored on microfilm, microfiche or other data-storage systems are subject to the requirements pertaining thereto found in § 73.1840(b).

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the FCC that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the FCC.

(c) The following contracts, agreements, or understandings, which need not be filed with the FCC (per § 73.3613, Filing of contracts), must be kept at the station and made available for inspection by any authorized representative of the FCC upon request:

(1) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(2) FM subchannel leasing agreements for subsidiary communications.

(3) Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station.

(4) Contracts with chief operators or other engineering personnel.

[43 FR 45847, Oct. 4, 1978; 43 FR 50683, Oct. 31, 1978, as amended at 45 FR 41151, June 18, 1980; 48 FR 28457, June 22, 1983]

§ 73.1230 Posting of station license.

(a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such a manner that all terms

are visible at the place the licensee considers to be the principal control point of the transmitter.

(b) Posting of the station license and any other instruments of authorization shall be done by affixing them to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

[60 FR 55480, Nov. 1, 1995]

§ 73.1250 Broadcasting emergency information.

(a) Emergency situations in which the broadcasting of information is considered as furthering the safety of life and property include, but are not limited to the following: Tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gasses, widespread power failures, industrial explosions, civil disorders and school closing and changes in school bus schedules resulting from such conditions. See also § 73.3542, Application for Emergency Authorization, for requirements involving emergency situations not covered by this section for which prior operating authority must be requested.

(b) If requested by responsible public officials, a station may, at its discretion, and without further FCC authority, transmit emergency point-to-point messages for the purpose of requesting or dispatching aid and assisting in rescue operations.

(c) If the Emergency Alert System (EAS) is activated for a national emergency while a Local Area or State emergency operation is in progress, the national level EAS operation must take precedence. If, during the broadcasting of Local Area or State emergency information, the EAS codes or Attention Signal described in § 11.12 of this chapter are used, the broadcasts are considered as being carried out under a Local Area or State EAS plan.

(d) Any emergency operation undertaken in accordance with this section may be terminated by the FCC if required in the public interest.

(e) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission