HOUSE DOCKET, NO. 2959 FILED ON: 1/21/2011

HOUSE . . . . . No. 2278

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to an unauthorized transmission to, or interference with, a public or commercial radio station.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	*11th Essex*

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HOUSE . . . . . No. 2278

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 2278) of Steven M. Walsh relative to a penalty for the unauthorized transmission to, or interference with, a public or commercial radio station. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to an unauthorized transmission to, or interference with, a public or commercial radio station.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 93A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 11, the following section:-

Section 12. (1) Unauthorized transmissions to, or interference with, a public or commercial radio station licenses by the Federal Communications Commission are prohibited.

(2) A person may not:

(a) make, or cause to be made, a radio transmission in this state unless the person obtains a license or an exemption from licensure from the Federal Communications Commission under 47 U.S.C. s. 301, 47 U.S.C., s. 605, or other applicable federal law or regulation; or

(b) do any act, whether direct or indirect, to cause an unlicensed radio transmission to, or inference with, a public or commercial radio station licensed by the Federal Communications Commission or to enable the radio transmission or interference to occur.

(3) A person may assert a claim under this section in a district or superior court, whether by way of original complaint, counterclaim, cross-claim or third-party action, for money damages, injunctive relief, and forfeiture of any property used in violation of this section. Said damages may include double or treble damages and attorneys' fees and costs.

(a) No forfeiture under this section shall extinguish a perfected security interest held by a creditor in a conveyance or in any real property or in any personal property at the time of the filing of the forfeiture action. Said forfeiture action shall be commenced in a district or superior court.