



PUBLIC NOTICE

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FCC ENFORCEMENT ADVISORY

LED SIGN MARKETERS MUST COMPLY WITH FCC RULES

The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC) has observed a growing number of companies that market noncompliant light-emitting diode signs (LED signs) in violation of the FCC's rules. We issue this Advisory to remind any entity or person marketing LED signs that the signs' panels must be properly authorized, labeled, and furnished with the proper user information disclosures before the signs are marketed in the United States. Under the FCC's rules, "marketing" is broadly defined and includes importation, advertising, selling, or leasing.¹ Violators may be subject to substantial monetary penalties that could total more than \$150,000 per violation.

What Should You Do?

With limited exceptions, before any LED sign is marketed in the United States, its panels must be properly authorized under the Supplier's Declaration of Conformity (SDoC) procedures or, alternatively, under the Certification procedures.² FCC compliance requirements include:

- 1) Testing of each panel to determine compliance with the applicable FCC technical rules;³
- 2) Ensuring that, when marketed, each panel also complies with all applicable labeling and other administrative requirements;⁴
- 3) Retaining all required records that demonstrate compliance with the applicable rules for each panel, such as a test report and a copy of the compliance statement;⁵ and

¹ 47 CFR § 2.803. Specifically, marketing "includes [the] sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease." *Id.*

² *See id.* §§ 2.803(c), 2.906, 2.907.

³ *See id.* §§ 2.906, 2.907, 15.31. Each panel that is different in design must be tested and authorized separately.

⁴ *See, e.g., id.* §§ 2.1077, 15.19; *see also* Office of Engineering & Technology's (OET) Knowledge Database, Labeling Part 15 18 Guidelines, Publication No. 784748 (July 2, 2018), <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=27980>.

⁵ *See id.* §§ 2.938, 2.1077. Any entity that markets RF devices must include a compliance statement with any device subject to the SDoC procedures at the time of marketing, e.g., when the device is advertised, imported, or sold. *See id.* § 2.1077.

- 4) Ensuring that the party responsible for compliance is located in the United States.⁶

What Should LED Sign Marketers Know About the FCC's Rules?

Any LED panel authorized under previously accepted FCC procedures⁷ before November 2, 2018, remains compliant with the FCC's rules if it continues to meet all requirements for that authorization.⁸ If a previously authorized device is later modified in any way that requires a new authorization after November 2, 2018, the requirements associated with the SDoC procedures will apply.⁹ For more information about the SDoC procedures, including compliance requirements, see the *SDoC Order* and the Office of Engineering and Technology's *Supplier's Declaration of Conformity Guidance*.¹⁰

What Happens If the LED Sign Does Not Comply with the FCC's Rules?

Any entity or person that is marketing noncompliant LED signs may be subject to penalties authorized by the Communications Act, including, but not limited to, substantial monetary fines (currently up to \$20,134 per day for individual marketing violations and up to \$151,005 for an ongoing violation) for violating the Communications Act of 1934, as amended, or FCC rules.¹¹

Need more information?

For questions regarding the information in this Advisory, email EB-SED-response@fcc.gov. For additional information regarding equipment authorizations, visit the FCC website at <https://www.fcc.gov/engineering-technology/laboratory-division/general/equipment-authorization>, or review OET's Knowledge Database publications at <https://apps.fcc.gov/oetcf/kdb/index.cfm>. Media inquiries should be directed to Will Wiquist at (202) 418-0509 or will.wiquist@fcc.gov. To file a complaint, visit <https://consumercomplaints.fcc.gov> or call 1-888-CALL-FCC. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-TELL-FCC (1-888-835-5322) for further information about the aviation radio rules.

Issued by: Chief, Enforcement Bureau

⁶ This requirement attaches to any device subject to the SDoC procedures. 47 CFR § 2.909(b).

⁷ On November 2, 2017, the FCC implemented rules which began to phase out over a one-year period two equipment authorization procedures—Verification and Declaration of Conformity—replacing them with a new equipment authorization procedure, the SDoC. *Amendment of Parts 0, 1, 2, 15, and 18 of the Commission's Rules Regarding Authorization of Radiofrequency Equipment*, First Report and Order, 32 FCC Rcd 8746 (2017) (*SDoC Order*); Federal Communications Commission, Authorization of Radiofrequency Equipment, 82 Fed. Reg. 50820 (Nov. 2, 2017).

⁸ See, e.g., 47 CFR §§ 15.19, 15.21, 15.105, 15.107, 15.109.

⁹ See *id.* § 2.950(j). If modifications are made to an LED Panel that was previously authorized via the Certification process, a modified or new Certification may be required. See *id.* § 2.1043. Alternatively, the modified device may be authorized in compliance with FCC rules under a new SDoC.

¹⁰ See *SDoC Order*, 32 FCC Rcd at 8749-67, paras. 4-48; OET Knowledge Database, Publication No. 896810 (July 2, 2018), https://apps.fcc.gov/kdb/GetAttachment.html?id=Sge4TP9Xk74qw7eKml6TdQ%3D%3D&desc=896810%20D01%20SDoC%20v01r01&tracking_number=203240.

¹¹ See 47 U.S.C. §§ 302a(b), 503(b)(2)(D), 503(b)(5); 47 CFR §§ 1.80(b)(7), (b)(9) (reflecting adjustments for inflation).