

UNMANNED AIRCRAFT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill establishes provisions related to unmanned aircraft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ reorganizes existing code related to unmanned aircraft;
- ▶ preempts local law;
- ▶ prohibits a person from:
 - operating an unmanned aircraft more than 500 feet above ground level;
 - operating an unmanned aircraft from a moving vehicle; or
 - attaching a weapon to an unmanned aircraft;
- ▶ prohibits a person from operating an unmanned aircraft within a certain distance of:
 - an event at which more than 500 individuals gather;
 - an airport;
 - a correctional facility; or
 - a large firework display;
- ▶ prohibits a person from:
 - committing trespass with an unmanned aircraft;
 - committing a privacy violation with an unmanned aircraft;
 - operating an unmanned aircraft within certain distances of an emergency situation; or
 - committing voyeurism with an unmanned aircraft;
- ▶ establishes provisions for the creation of temporary flight restrictions on unmanned aircraft in response to an emergency; and
- ▶ establishes criminal penalties.

Money Appropriated in this Bill:

None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **63G-18-101**, as last amended by Laws of Utah 2015, Chapter 269

38 **63G-18-102**, as last amended by Laws of Utah 2015, Chapter 269

39 **76-9-702.7**, as last amended by Laws of Utah 2004, Chapter 52

40 ENACTS:

41 **63G-18-106**, Utah Code Annotated 1953

42 **63G-18-201**, Utah Code Annotated 1953

43 **63G-18-202**, Utah Code Annotated 1953

44 **63G-18-301**, Utah Code Annotated 1953

45 **63G-18-302**, Utah Code Annotated 1953

46 **63G-18-303**, Utah Code Annotated 1953

47 **63G-18-304**, Utah Code Annotated 1953

48 **63G-18-305**, Utah Code Annotated 1953

49 **63G-18-401**, Utah Code Annotated 1953

50 **63G-18-402**, Utah Code Annotated 1953

51 **63G-18-403**, Utah Code Annotated 1953

52 **63G-18-404**, Utah Code Annotated 1953

53 **63G-18-405**, Utah Code Annotated 1953

54 **63G-18-406**, Utah Code Annotated 1953

55 RENUMBERS AND AMENDS:

56 **63G-18-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015,
57 Chapter 269)

58 **63G-18-204**, (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015,
59 Chapter 269)

60 **63G-18-205**, (Renumbered from 63G-18-105, as last amended by Laws of Utah 2015,
61 Chapter 269)



63 *Be it enacted by the Legislature of the state of Utah:*

64 Section 1. Section **63G-18-101** is amended to read:

65 **CHAPTER 18. UNMANNED AIRCRAFT -- DRONES**

66 **63G-18-101. Title.**

67 This chapter is known as [~~the "Government Use of Unmanned Aircraft Systems Act."~~]
68 "Unmanned Aircraft -- Drones."

69 Section 2. Section **63G-18-102** is amended to read:

70 **63G-18-102. Definitions.**

71 As used in this chapter:

72 [~~(1) "Law enforcement agency" means an entity of the state or an entity of a political~~
73 ~~subdivision of the state, including an entity of a state institution of higher education, that exists~~
74 ~~primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.]~~

75 [~~(2) "Nongovernment actor" means a person that is not:]~~

76 [~~(a) an agency, department, division, or other entity within state government;]~~

77 [~~(b) a person employed by or otherwise acting in an official capacity on behalf of the~~
78 ~~state;]~~

79 [~~(c) a political subdivision of the state; or]~~

80 [~~(d) a person employed by or otherwise acting in an official capacity on behalf of a~~
81 ~~political subdivision of the state.]~~

82 [~~(3) "Target" means a person upon whom, or a structure or area upon which, a person:]~~

83 [~~(a) has intentionally collected or attempted to collect information through the~~
84 ~~operation of an unmanned aircraft system; or]~~

85 [~~(b) plans to collect or attempt to collect information through the operation of an~~
86 ~~unmanned aircraft system.]~~

87 [~~(4) "Testing site" means an area that:]~~

88 [~~(a) has boundaries that are clearly identified using GPS coordinates;]~~

89 [~~(b) a law enforcement agency identifies in writing to the Department of Public Safety,~~
90 ~~including the boundaries identified under Subsection (4)(a);]~~

91 [~~(c) is not more than three square miles; and]~~

92 [~~(d) contains no occupied structures.]~~

93 (1) "Airport" means any area of land, water, or both, that:

94 (a) is used or is made available for aircraft landing and takeoff;

95 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of
96 passengers and cargo;

97 (c) meets the minimum requirements established by the Operations Division within the
98 Department of Transportation for size and design, surface, marking, equipment, and operation;
99 and

100 (d) includes all land areas shown as part of the airport in the current airport layout plan
101 approved by the Federal Aviation Administration.

102 (2) (a) "Airport authority" means the entity that is authorized by statute to operate an
103 airport.

104 (b) "Airport authority" includes the department or division of a political subdivision
105 responsible for operating a specific airport.

106 (c) "Airport authority" does not include the governing body of a county or
107 municipality.

108 (3) "Emergency" means:

109 (a) a natural or man-made disaster, a riot, a civil disturbance, an act of violence,
110 ongoing criminal activity, a fire, a flood, or extreme weather; or

111 (b) a circumstance that presents an imminent threat to life, property, or public health,
112 safety, or welfare.

113 (4) "Extreme emergency" means:

114 (a) a fire, a flood, extreme weather, a missing person situation, or a natural or
115 man-made disaster that is expected to present an imminent threat to life, property, or public
116 health, safety, or welfare for more than 24 hours.

117 (5) "Public operator" means a person who operates an unmanned aircraft system as an
118 employee of, or at the direction of an agency, department, division, or other entity within:

119 (a) state government; or

120 (b) a political subdivision of the state.

121 ~~[(5)]~~ (6) (a) "Unmanned aircraft [system]" means an aircraft that is:

122 (i) [is] capable of sustaining flight; and

123 (ii) [operates] operated with no possible direct human intervention from on or within
124 the aircraft.

125 ~~[(b)]~~ (7) "Unmanned aircraft system" [does not include an unmanned aircraft that is

126 flown:]

127 [~~(i) within visual line of sight of the individual operating the aircraft; and]~~

128 [~~(ii) strictly for hobby or recreational purposes.] means the entire system used to~~

129 operate an unmanned aircraft, including:

130 (a) the unmanned aircraft;

131 (b) communications equipment;

132 (c) navigation equipment;

133 (d) controllers;

134 (e) support equipment; and

135 (f) autopilot functionality.

136 Section 3. Section **63G-18-106** is enacted to read:

137 **63G-18-106. Preemption of local ordinance.**

138 (1) A political subdivision of the state, or an entity within a political subdivision of the

139 state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft

140 unless:

141 (a) authorized by this chapter; or

142 (b) the entity is an airport authority.

143 (2) This chapter supercedes any law, ordinance, or rule enacted by a political

144 subdivision of the state, that is not an airport authority, before July 1, 2016.

145 Section 4. Section **63G-18-201** is enacted to read:

146 **Part 2. Government Use of Unmanned Aircraft**

147 **63G-18-201. Title.**

148 This part is known as "Government Use of Unmanned Aircraft."

149 Section 5. Section **63G-18-202** is enacted to read:

150 **63G-18-202. Definitions.**

151 As used in this part:

152 (1) "Law enforcement agency" means an entity of the state or an entity of a political

153 subdivision of the state, including an entity of a state institution of higher education, that exists

154 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.

155 (2) "Nongovernment actor" means a person that is not:

156 (a) an agency, department, division, or other entity within state government;

157 (b) a person employed by or otherwise acting in an official capacity on behalf of the
158 state;

159 (c) a political subdivision of the state; or

160 (d) a person employed by or otherwise acting in an official capacity on behalf of a
161 political subdivision of the state.

162 (3) "Target" means a person upon whom, or a structure or area upon which, a person:

163 (a) has intentionally collected or attempted to collect information through the operation
164 of an unmanned aircraft; or

165 (b) plans to collect or to attempt to collect information through the operation of an
166 unmanned aircraft.

167 (4) "Testing site" means an area that:

168 (a) has boundaries that are clearly identified using GPS coordinates;

169 (b) a law enforcement agency identifies in writing to the Department of Public Safety,
170 including the boundaries identified under Subsection (4)(a);

171 (c) is not more than three square miles;

172 (d) contains no occupied structures; and

173 (e) a law enforcement agency intends to use for the testing of an unmanned aircraft
174 system.

175 Section 6. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is
176 renumbered and amended to read:

177 **~~[63G-18-103].~~ 63G-18-203. Unmanned aircraft system use requirements --**

178 **Exceptions -- Testing.**

179 (1) A law enforcement agency may not obtain, receive, or use data acquired through an
180 unmanned aircraft system unless the data is obtained:

181 (a) pursuant to a search warrant;

182 (b) in accordance with judicially recognized exceptions to warrant requirements;

183 (c) subject to Subsection (2), from a person who is a nongovernment actor;

184 (d) at a testing site; or

185 (e) to locate a lost or missing person in an area in which a person has no reasonable
186 expectation of privacy.

187 (2) A nongovernment actor may only disclose data acquired through an unmanned

188 aircraft system to a law enforcement agency if:

189 (a) the data appears to pertain to the commission of a crime; or

190 (b) the nongovernment actor believes, in good faith, that:

191 (i) the data pertains to an imminent or ongoing emergency involving danger of death or
192 serious bodily injury to an individual; and

193 (ii) disclosing the data would assist in remedying the emergency.

194 (3) A law enforcement agency that obtains, receives, or uses data acquired under
195 Subsection (1)(d) or (e) shall destroy the data as soon as reasonably possible after the law
196 enforcement agency obtains, receives, or uses the data.

197 (4) A law enforcement agency that operates an unmanned aircraft system under
198 Subsection (1)(d) may not operate the unmanned aircraft system outside of the testing site.

199 Section 7. Section **63G-18-204**, which is renumbered from Section 63G-18-104 is
200 renumbered and amended to read:

201 ~~[63G-18-104]~~. **63G-18-204. Data retention.**

202 (1) Except as provided in this section, a law enforcement agency:

203 (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a
204 person, structure, or area that is not a target; and

205 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as
206 reasonably possible after the law enforcement agency collects or receives the data.

207 (2) A law enforcement agency is not required to comply with Subsection (1) if:

208 (a) deleting the data would also require the deletion of data that:

209 (i) relates to the target of the operation; and

210 (ii) is requisite for the success of the operation;

211 (b) the law enforcement agency receives the data:

212 (i) through a court order that:

213 (A) requires a person to release the data to the law enforcement agency; or

214 (B) prohibits the destruction of the data; or

215 (ii) from a person who is a nongovernment actor;

216 (c) (i) the data was collected inadvertently; and

217 (ii) the data appears to pertain to the commission of a crime;

218 (d) (i) the law enforcement agency reasonably determines that the data pertains to an

219 emergency situation; and

220 (ii) using or disclosing the data would assist in remedying the emergency; or

221 (e) the data was collected through the operation of an unmanned aircraft system over
222 public lands outside of municipal boundaries.

223 Section 8. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is
224 renumbered and amended to read:

225 ~~**63G-18-105**~~. **63G-18-205. Reporting.**

226 (1) Except as provided by Subsections (2) and (3), before March 31 of each year, a law
227 enforcement agency that operated an unmanned aircraft system in the previous calendar year
228 shall submit to the Utah Department of Public Safety, and make public on the law enforcement
229 agency's website, a written report containing:

230 (a) the number of times the law enforcement agency operated an unmanned aircraft
231 system in the previous calendar year;

232 (b) the number of criminal investigations aided by the use of an unmanned aircraft
233 system operated by the law enforcement agency in the previous calendar year;

234 (c) a description of how the unmanned aircraft system was helpful to each investigation
235 described in Subsection (1)(b);

236 (d) the frequency with which data was collected, and the type of data collected, by an
237 unmanned aircraft system operated by the law enforcement agency on any person, structure, or
238 area other than a target in the previous calendar year;

239 (e) the number of times a law enforcement agency received, from a person who is not a
240 law enforcement agency, data collected by an unmanned aircraft system; and

241 (f) the total cost of the unmanned aircraft system program operated by the law
242 enforcement agency in the previous calendar year, including the source of any funds used to
243 operate the program.

244 (2) (a) A law enforcement agency that submits a report described in Subsection (1) may
245 exclude from the report information pertaining to an ongoing investigation.

246 (b) A law enforcement agency that excludes information under Subsection (2)(a) from
247 the report shall report the excluded information to the Utah Department of Public Safety on the
248 annual report in the year following the year in which the investigation to which the information
249 pertains is concluded.

250 (3) A law enforcement agency is not required to submit, under Subsection (1), to the
251 Department of Public Safety information pertaining to the use of an unmanned aircraft system
252 operated at a testing site.

253 (4) Before May 31 of each year, the Utah Department of Public Safety shall, for all
254 reports received under Subsection (1) during the previous calendar year:

255 (a) transmit to the Government Operations Interim Committee and post on the
256 department's website a report containing:

257 (i) a summary of the information reported to the department;

258 (ii) the total number of issued warrants authorizing the operation of an unmanned
259 aircraft system; and

260 (iii) the number of denied warrants for the operation of an unmanned aircraft system;

261 and

262 (b) post on the department's website each report the department received.

263 Section 9. Section **63G-18-301** is enacted to read:

264 **Part 3. Criminal Use of Unmanned Aircraft**

265 **63G-18-301. Title.**

266 This part is known as "Criminal Use of Unmanned Aircraft."

267 Section 10. Section **63G-18-302** is enacted to read:

268 **63G-18-302. Reserved.**

269

270 Section 11. Section **63G-18-303** is enacted to read:

271 **63G-18-303. Weapon attached to unmanned aircraft -- Penalties.**

272 (1) As used in this section, "weapon" means an item that, in the manner of the item's
273 use or intended use, is capable of causing death or serious bodily injury.

274 (2) A person may not attach a weapon to an unmanned aircraft.

275 (3) A person who violates Subsection (2) is guilty of a class C misdemeanor.

276 Section 12. Section **63G-18-304** is enacted to read:

277 **63G-18-304. Trespass with unmanned aircraft -- Negligent operation of**
278 **unmanned aircraft -- Penalties.**

279 (1) As used in this section, "plane of trespass" means:

- 280 (a) the vertical plane that:
281 (i) begins at ground level at a private property line;
282 (ii) extends horizontally along the private property line; and
283 (iii) extends upward 500 feet above ground level; or
284 (b) the horizontal plane that:
285 (i) is 500 feet above ground level;
286 (ii) covers the area over private property; and
287 (iii) extends outward to the upper boundary of a vertical plane described in Subsection
288 (1)(a).
289 (2) Except as provide in Subsection (3), a person is guilty of trespass with an
290 unmanned aircraft if:
291 (a) while the person operates an unmanned aircraft system, the unmanned aircraft
292 controlled by the unmanned aircraft system breaks a plane of trespass without the permission of
293 the owner of the property over which the unmanned aircraft is operated; and
294 (b) (i) the person previously operated an unmanned aircraft system in a manner that
295 caused an unmanned aircraft to break a plane of trespass of the property described in
296 Subsection (2)(a); and
297 (ii) a law enforcement officer has issued a warning to the person indicating that the
298 previous operation of the unmanned aircraft over the owner's property was not authorized.
299 (3) A person who operates an unmanned aircraft system in a manner that causes an
300 unmanned aircraft to break a plane of trespass is not guilty of trespass with an unmanned
301 aircraft if:
302 (a) the unmanned aircraft is lawfully taking off from or landing at an airport, airfield,
303 or runway; or
304 (b) the person is employed by or acting at the direction of a law enforcement agency
305 and operates the unmanned aircraft in accordance with Section 63G-18-203.
306 (4) Trespass with an unmanned aircraft is a class C misdemeanor.
307 Section 13. Section **63G-18-305** is enacted to read:
308 **63G-18-305. Privacy violation with unmanned aircraft.**
309 (1) As used in this section, "private place" means the same as that term is defined in
310 Section 76-9-401.

311 (2) Except for a law enforcement agency that operates an unmanned aircraft in
312 accordance with Section 63G-18-203, a person is guilty of a privacy violation with an
313 unmanned aircraft if the person uses the unmanned aircraft with the intent to:

314 (a) observe, photograph, or record a person, place, or event, in a private place without
315 consent of all persons in the private place; or

316 (b) overhear, amplify, or broadcast sound produced in a private place, which would not
317 ordinarily be audible or comprehensible outside of the private place, without the consent of all
318 persons in the private place.

319 (2) Privacy violation with an unmanned aircraft is a class B misdemeanor.

320 Section 14. Section **63G-18-401** is enacted to read:

321 **Part 4. Safe Use of Unmanned Aircraft**

322 **63G-18-401. Title.**

323 This part is known as "Safe Use of Unmanned Aircraft."

324 Section 15. Section **63G-18-402** is enacted to read:

325 **63G-18-402. Reserved.**

326

327 Section 16. Section **63G-18-403** is enacted to read:

328 **63G-18-403. Restriction on operation of unmanned aircraft -- Penalties.**

329 (1) As used in this section:

330 (a) "Category one airport" means an airport:

331 (i) that the Federal Aviation Administration classifies as a Class I or II airport under 14
332 C.F.R. Part 139; or

333 (ii) whose immediate airspace is classified by the Federal Aviation Administration as
334 Class B, C, or D airspace.

335 (b) "Category two airport" means an airport that:

336 (i) is not a category one airport; and

337 (ii) that the Federal Aviation Administration classifies as a Class III or IV airport under
338 17 C.F.R., Part 139.

339 (c) "Category three airport" means an airport that is not a category one airport or a
340 category two airport.

341 (d) "Correctional facility" means the entirety of the grounds upon which one of the

342 following is located:

343 (i) a facility operated by or contracting with the Department of Corrections to
344 permanently house criminal offenders in a secure setting;

345 (ii) a facility operated by or contracting with the federal government to permanently
346 house criminal offenders in a secure setting;

347 (iii) a facility operated by a municipality or a county to house or detain criminal
348 offenders; or

349 (iv) a juvenile detention facility.

350 (e) "Wildland fire" means the same as that term is defined in Section 65A-1-1.

351 (2) A person may not operate an unmanned aircraft system in a manner that causes the
352 unmanned aircraft to fly:

353 (a) more than 500 feet above ground level, subject to further restrictions of Section 334
354 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, 126 Stat. 11;

355 (b) over an event where more than 500 individuals are gathered, unless the person:

356 (i) has permission from:

357 (A) the owner of the venue at which, or area in which, the event takes place; and

358 (B) the person organizing the event;

359 (ii) is a public operator using the unmanned aircraft to respond to an emergency; or

360 (iii) is a law enforcement agency operating the unmanned aircraft in accordance with

361 Section 63G-18-203.

362 (c) within the following distances, unless the person receives authorization from the
363 applicable airport's air traffic controller or the Federal Aviation Administration:

364 (i) two miles of a category one airport;

365 (ii) one mile of a category two airport; or

366 (iii) 1/2 mile of a category three airport;

367 (d) within 500 feet of a correctional facility; or

368 (e) within three miles of a wildland fire unless:

369 (i) (A) the person is a public operator;

370 (B) the person is operating the unmanned aircraft system in response to an emergency;

371 and

372 (C) the operation is conducted under the direction of the governmental entity managing

373 the response to the wildland fire; or

374 (ii) the person:

375 (A) is a law enforcement agency that operates the unmanned aircraft in accordance
376 with Section 63G-18-203; and

377 (B) the law enforcement agency gives prior notice of the operation to the governmental
378 entity managing the response to the wildland fire.

379 (3) An individual may not operate an unmanned aircraft system while the individual:

380 (a) operates a motor vehicle; or

381 (b) is in or on a motor vehicle that is in motion.

382 (4) (a) A person that violates Subsection (2)(a) is guilty of an infraction.

383 (b) A person that violates Subsection (2)(b) is guilty of:

384 (i) an infraction for a first offense; or

385 (ii) a class C misdemeanor for a second or subsequent offense.

386 (c) A person that violates Subsection (2)(c) or (2)(d) is guilty of:

387 (i) a class B misdemeanor for the first offense; or

388 (ii) a class A misdemeanor for the second or subsequent offense.

389 (d) A person that violates Subsection (3) is guilty of an infraction.

390 Section 17. Section **63G-18-404** is enacted to read:

391 **63G-18-404. Unmanned aircraft and display fireworks -- Penalties.**

392 (1) As used in this section, "display fireworks" means firework devices that consist of
393 explosive materials that are intended for use in outdoor aerial fireworks displays and which
394 may not be possessed or discharged without a permit required by Section 53-7-223.

395 (2) (a) Notwithstanding Section 63G-18-103, and except as provided in Subsection
396 (2)(b), a person may not operate an unmanned aircraft system in a manner that causes an
397 unmanned aircraft to fly within 750 feet of the outer border of discharging display fireworks.

398 (b) A public operator is not required to comply with Subsection (2)(a) if the public
399 operator is using the unmanned aircraft to respond to an emergency.

400 (3) A person that violates Subsection (2) is guilty of an infraction.

401 Section 18. Section **63G-18-405** is enacted to read:

402 **63G-18-405. Unmanned aircraft and extreme emergency -- Temporary flight**
403 **restriction on unmanned aircraft -- Penalties.**

404 (1) As used in this section:

405 (a) "Department" means the Department of Public Safety.

406 (b) "Low altitude flight path" means the flight path of an aircraft when the flight path is
407 less than 1000 feet above ground level.

408 (c) "Mass communication notification system" means a public safety communication
409 system that uses a database of telephone numbers and corresponding addresses to communicate
410 messages to individuals within a specific geographic area.

411 (2) Except as provided in Subsection (5), a person may not operate an unmanned
412 aircraft system in a manner that causes an unmanned aircraft to fly within an area under a
413 temporary flight restriction created under this section.

414 (3) (a) In accordance with Subsection (4), the department may, in response to an
415 extreme emergency, create a temporary flight restriction on unmanned aircraft to:

416 (i) protect an individual or property from hazards associated with the extreme
417 emergency;

418 (ii) provide a safe environment for emergency response vehicles and personnel to
419 operate;

420 (iii) prevent unsafe congestion of aircraft above the extreme emergency; or

421 (iv) protect a flight path of an aircraft being used to respond to the extreme emergency.

422 (b) A temporary flight restriction on unmanned aircraft created under this section may
423 have a geographic boundary that extends horizontally to include all or a portion of the area
424 within:

425 (i) three miles of the location of, or the area immediately threatened by, an extreme
426 emergency; or

427 (ii) one mile of a potential low altitude flight path of an aircraft used to respond to an
428 extreme emergency.

429 (c) A temporary flight restriction on unmanned aircraft created under this section
430 extends vertically 500 feet above ground level within the geographic area covered by the
431 temporary flight restriction.

432 (d) (i) Except as provided in Subsection (4)(e), a temporary flight restriction created
433 under this section may not last more than seven days.

434 (ii) The department may not create a new temporary flight restriction to circumvent the

435 requirements of Subsection (3)(d)(i).

436 (4) (a) The department may create, amend, extend, or prematurely terminate a
437 temporary flight restriction on unmanned aircraft by providing a notice that the temporary
438 flight restriction is created, amended, extended, or prematurely terminated:

439 (i) to each county and municipality over which the temporary flight restriction is
440 created, amended, extended, or prematurely terminated;

441 (ii) on the department's website;

442 (iii) if a available, through a mass communication notification system to individuals
443 living within or near the geographic area in which the temporary flight restriction is created,
444 amended, extended, or prematurely terminated; and

445 (iv) to at least one of the following:

446 (A) a radio station that broadcasts within or near the geographic area in which the
447 temporary flight restriction is created, amended, extended, or prematurely terminated; or

448 (B) a correspondent for a local media outlet.

449 (b) A notice provided under Subsection (4)(a) shall include:

450 (i) a description of the extreme emergency for which the temporary flight restriction on
451 unmanned aircraft is being created, amended, extended, or prematurely terminated;

452 (ii) a description of the area over which the temporary flight restriction is being
453 created, amended, extended, or prematurely terminated;

454 (iii) the date and time the notice is provided; and

455 (iv) if the department is creating or extending a temporary flight restriction, subject to
456 Subsection (3)(d)(i), the date and time the temporary flight restriction will terminate.

457 (c) (i) The department may only amend a temporary flight restriction on unmanned
458 aircraft to change the boundary over which the temporary flight restriction is imposed.

459 (ii) An amendment made under Subsection (4)(c)(i) does not change the date and time
460 the temporary flight restriction terminates.

461 (d) (i) Except as provide in Subsection (4)(e), a temporary flight restriction on
462 unmanned aircraft created under this section is automatically terminated at the applicable
463 termination date and time described in Subsection (4)(b)(iv).

464 (ii) The department:

465 (A) may, at any time, prematurely terminate a temporary flight restriction on unmanned

466 aircraft created by the department; and

467 (B) shall prematurely terminate a temporary flight restriction on unmanned aircraft
468 created by the department at the time the extreme emergency associated with the temporary
469 flight restriction ceases to exist because the situation no longer presents an imminent threat to
470 life, property, or public health, safety, or welfare.

471 (e) The department may, as many times as necessary, extend the length of time of a
472 temporary flight restriction created by the department for up to three days at a time if, before
473 the applicable termination date and time described in Subsection (4)(b)(iv), the department
474 provides a notice of extension as described in Subsection (4)(b) in accordance with the
475 requirements of Subsection (4)(a).

476 (5) A public operator may operate an unmanned aircraft system in a manner that causes
477 an unmanned aircraft to fly within an area that is under a temporary flight restriction created
478 under this section if the public operator:

479 (a) operates the unmanned aircraft system in response to the extreme emergency
480 associated with the temporary flight restriction, if the operation is conducted under the
481 direction of the governmental entity managing the response to the extreme emergency;

482 (b) operates the unmanned aircraft system in response to an emergency that is not
483 associated with the temporary flight restriction, if the public operator conducts the operation in
484 coordination with the governmental entity that is managing the response to the extreme
485 emergency associated with the temporary flight restriction; or

486 (c) is a law enforcement agency that:

487 (i) operates the unmanned aircraft in accordance with Section 63G-18-203; and

488 (ii) coordinates the operation with the governmental entity that is managing the
489 response to the extreme emergency associated with the temporary flight restriction.

490 (6) A temporary flight restriction created under this section does not apply to an aircraft
491 that is not an unmanned aircraft.

492 (7) A person that violates Subsection (2) is guilty of:

493 (a) a class B misdemeanor;

494 (b) a class A misdemeanor if the operation of the unmanned aircraft causes an aircraft
495 being used to contain or control a wildland fire to:

496 (i) drop a payload of water or fire retardant in a location other than the location

- 497 originally designated for the aircraft to drop the payload; or
498 (ii) land without dropping a payload of water or fire retardant in the location originally
499 designated for the aircraft to drop the payload;
500 (c) a third degree felony if the operation of the unmanned aircraft causes the unmanned
501 aircraft to come into direct physical contact with a manned aircraft; or
502 (d) a second degree felony if the operation of the unmanned aircraft causes, or creates
503 the conditions that cause, a manned aircraft to collide with the ground or another manned
504 aircraft.

505 Section 19. Section **63G-18-406** is enacted to read:

506 **63G-18-406. Unmanned aircraft and emergencies -- Temporary flight restriction**
507 **on unmanned aircraft -- Penalties.**

508 (1) As used in this section:

509 (a) "Issuing entity" means:

510 (i) for an emergency existing exclusively within the boundaries of the municipality,
511 the agency designated by a municipality under Subsection (2)(a);

512 (ii) the entity designated by a county under Subsection (2)(a) for an emergency:

513 (A) existing exclusively within the unincorporated boundaries of the county; or

514 (B) that crosses the boundary of a municipality within the county; or

515 (iii) the Department of Public Safety for an emergency that crosses the boundary of a
516 county within the state.

517 (b) "Mass communication notification system" means a public safety communication
518 system that uses a database of telephone numbers and corresponding addresses to communicate
519 messages to individuals within a specific geographic area.

520 (2) A municipality or county:

521 (a) may not establish a temporary flight restriction on unmanned aircraft unless the
522 municipality or county designates by ordinance an agency, department, or other entity within
523 the municipality's or county's government as having authority to issue a temporary flight
524 restriction on unmanned aircraft; and

525 (b) may establish procedures that exceed the requirements of this section for the
526 issuance of a temporary flight restriction.

527 (3) (a) Except as provided in Subsection (6), a person may not operate an unmanned

528 aircraft system in a manner that causes an unmanned aircraft to fly within an area under a
529 temporary flight restriction created under this section.

530 (b) A person that knowingly violates Subsection (3)(a) is guilty of a class B
531 misdemeanor.

532 (4) (a) In accordance with Subsection (5), an issuing entity may, in response to an
533 emergency, create a temporary flight restriction on unmanned aircraft to:

534 (i) protect an individual or property from hazards associated with the emergency;

535 (ii) provide a safe environment for emergency response vehicles and personnel to
536 operate; or

537 (iii) prevent unsafe congestion of aircraft above the emergency.

538 (b) A temporary flight restriction on unmanned aircraft created under this section may
539 have a geographic boundary that extends horizontally from the location of an emergency up to
540 the ground-level safety perimeter established by emergency response personnel responding to
541 the emergency.

542 (c) A temporary flight restriction on unmanned aircraft created under this section
543 extends vertically 500 feet above ground level within the geographic area covered by the
544 temporary flight restriction.

545 (d) (i) Except as provided in Subsection (5)(d), a temporary flight restriction created
546 under this section may not last more than 24 hours.

547 (ii) An issuing entity may not create a new temporary flight restriction to circumvent
548 the requirements of Subsection (4)(d)(i).

549 (5) (a) An issuing entity may create, extend, or prematurely terminate a temporary
550 flight restriction on unmanned aircraft by providing a notice that the temporary flight restriction
551 is created, extended, or prematurely terminated:

552 (i) (A) on the issuing entity's website;

553 (B) if the issuing entity does not have a website and was designated by a municipality,
554 through the municipality's website;

555 (C) if the municipality described in Subsection (5)(a)(i)(B) does not have a website,
556 through the website of the county in which the municipality is located; or

557 (D) if the issuing entity does not have a website and was designated by a county,
558 through the county's website;

559 (ii) if available, through a mass communication notification system to individuals
560 living within or near the geographic area in which the temporary flight restriction is created,
561 extended, or terminated; and

562 (iii) to at least one of the following:

563 (A) a radio station that broadcasts within or near the geographic area in which the
564 temporary flight restriction is created, extended, or terminated; or

565 (B) a correspondent for a local media outlet.

566 (b) A notice provided under Subsection (5)(a) shall include:

567 (i) a description of the emergency for which the temporary flight restriction on
568 unmanned aircraft is being created, extended, or prematurely terminated;

569 (ii) a description of the area over which the temporary flight restriction is being
570 created, extended, or prematurely terminated;

571 (iii) the date and time the notice is provided; and

572 (iv) if the issuing entity is creating or extending a temporary flight restriction, subject
573 to Subsection (4)(d)(i), the date and time the temporary flight restriction will terminate.

574 (c) Except as provide in Subsection (5)(d), a temporary flight restriction on unmanned
575 aircraft created under this section is automatically terminated at the applicable termination date
576 and time described in Subsection (5)(b)(iv).

577 (ii) An issuing entity:

578 (A) may, at any time, prematurely terminate a temporary flight restriction on unmanned
579 aircraft created under this section by the issuing entity; and

580 (B) shall prematurely terminate a temporary flight restriction on unmanned aircraft
581 created under this section by the issuing entity at the time the emergency associated with the
582 temporary flight restriction ceases to exist because the situation no longer presents an imminent
583 threat to life, property, or public health, safety, or welfare.

584 (d) An issuing entity may, as many times as necessary, extend the length of time of a
585 temporary flight restriction issued by the issuing entity for up to 24 hours at a time if, before
586 the applicable termination date and time described in Subsection (5)(b)(iv), the issuing entity
587 provides a notice of extension as described in Subsection (5)(b) in accordance with the
588 requirements of Subsection (5)(a).

589 (6) A public operator may operate an unmanned aircraft system in a manner that causes

590 an unmanned aircraft to fly within an area under a temporary flight restriction created under
591 this section if the public operator:

592 (a) operates the unmanned aircraft system in response to the emergency associated with
593 the temporary flight restriction, if the operation is conducted under the direction of the
594 governmental entity managing the response to the emergency;

595 (b) operates the unmanned aircraft system in response to in response to an emergency
596 that is not associated with the temporary flight restriction, if the public operator conducts the
597 operation in coordination with the governmental entity that is managing the response to the
598 emergency associated with the temporary flight restriction; or

599 (c) is a law enforcement agency that:

600 (i) operates the unmanned aircraft in accordance with Section 63G-18-203; and

601 (ii) coordinates the operation with the governmental entity that is managing the
602 response to the emergency associated with the temporary flight restriction.

603 (7) A temporary flight restriction created under this section does not apply to an aircraft
604 that is not an unmanned aircraft.

605 Section 20. Section **76-9-702.7** is amended to read:

606 **76-9-702.7. Voyeurism offenses -- Penalties.**

607 (1) A person is guilty of voyeurism who intentionally uses a camcorder, motion picture
608 camera, photographic camera of any type, unmanned aircraft, or other equipment that is
609 concealed or disguised to secretly or surreptitiously videotape, film, photograph, record, or
610 view by electronic means an individual:

611 (a) for the purpose of viewing any portion of the individual's body regarding which the
612 individual has a reasonable expectation of privacy, whether or not that portion of the body is
613 covered with clothing;

614 (b) without the knowledge or consent of the individual; and

615 (c) under circumstances in which the individual has a reasonable expectation of
616 privacy.

617 (2) A violation of Subsection (1) is a class A misdemeanor, except that a violation of
618 Subsection (1) committed against a child under 14 years of age is a third degree felony.

619 (3) Distribution or sale of any images, including in print, electronic, magnetic, or
620 digital format, obtained under Subsection (1) by transmission, display, or dissemination is a

621 third degree felony, except that if the violation of this Subsection (3) includes images of a child
622 under 14 years of age, the violation is a second degree felony.

623 (4) A person is guilty of voyeurism who, under circumstances not amounting to a
624 violation of Subsection (1), views or attempts to view an individual, with or without the use of
625 any instrumentality:

626 (a) with the intent of viewing any portion of the individual's body regarding which the
627 individual has a reasonable expectation of privacy, whether or not that portion of the body is
628 covered with clothing;

629 (b) without the knowledge or consent of the individual; and

630 (c) under circumstances in which the individual has a reasonable expectation of
631 privacy.

632 (5) A violation of Subsection (4) is a class B misdemeanor, except that a violation of
633 Subsection (4) committed against a child under 14 years of age is a class A misdemeanor.