

# HB0126S01 compared with HB0126

~~deleted text~~ shows text that was in HB0126 but was deleted in HB0126S01.

inserted text shows text that was not in HB0126 but was inserted into HB0126S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kraig Powell proposes the following substitute bill:

## UNMANNED AIRCRAFT REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~prohibits an individual from flying an~~ addresses the use of unmanned aircraft within a specified distance of a wildland fire.

#### Highlighted Provisions:

This bill:

- ▶ defines terms; ~~and~~
- ▶ subject to certain exceptions, prohibits an individual from flying an unmanned aircraft within a specified distance of a wildland fire; and
- ▶ provides criminal penalties for certain violations of the provisions of this bill.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

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None

### Utah Code Sections Affected:

ENACTS:

**65A-3-2.5**, Utah Code Annotated 1953

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

Section 1. Section **65A-3-2.5** is enacted to read:

**65A-3-2.5. Wildland fire and unmanned aircraft.**

(1) As used in this section:

(a) "Emergency" means a circumstance that presents an imminent threat to life, property, or public health, safety, or welfare.

(b) ~~"Law enforcement agency" means the same as that term is defined in Section 63G-18-102.~~

~~—— (c) "Public operator" means a person who operates an unmanned aircraft system as an employee of, or at~~"Incident commander" means the government official or employee in command of the response to a wildland fire.

(c) "Sanctioned entity" includes a person that oversees, is employed by, or is working under the direction of~~{, an agency, department, division, or other entity within}~~:

(i) ~~{state}~~a government~~}; or~~

~~—— (ii) a political subdivision of the state~~} entity;

(ii) a telecommunications provider;

(iii) a utility provider;

(iv) the owner or operator of a pipeline;

(v) an insurance provider;

(vi) a resource extraction entity;

(vii) news media; or

(viii) a person similar to a person described in Subsections (1)(c)(i) through (vii).

(d) "Unmanned aircraft" means an aircraft that is:

(i) capable of sustaining flight; and

(ii) operated with no possible direct human intervention from on or within the aircraft.

(e) "Unmanned aircraft system" means the entire system used to operate an unmanned

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aircraft, including:

- (i) the unmanned aircraft;
- (ii) communications equipment;
- (iii) navigation equipment;
- (iv) controllers;
- (v) support equipment; and
- (vi) autopilot functionality.

(2) A person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within three miles of ~~{a}~~ an uncontrolled wildland fire, unless ~~;~~

~~—— (a) (i) the person is a public operator;~~

~~—— (ii) the person is operating} the person operates the unmanned aircraft system in response to an emergency; and~~

~~—— (iii) the operation is conducted under the direction of the governmental entity managing the response to the wildland fire; or~~

~~—— (b) (i) the person is a law enforcement agency that operates the unmanned aircraft with the permission of, and in accordance with ~~{Section 63G-18-103; and~~~~

~~—— (ii) the law enforcement agency described in Subsection (2)(b)(i) gives prior notice of the operation to the governmental entity managing } the {response to} restrictions established by, the {wildland fire} incident commander.~~

(3) A person, other than a government official or a government employee acting within the person's capacity as a government official or government employee, that violates

Subsection (2) ~~{(a) or (b)(i)}~~ is guilty of:

(a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor, if the person violates Subsection (2) recklessly;

(b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, if the operation of the unmanned aircraft system causes an aircraft being used to contain or control a wildland fire to:

(i) drop a payload of water or fire retardant in a location other than the location originally designated for the aircraft to drop the payload; or

(ii) land without dropping a payload of water or fire retardant in the location originally designated for the aircraft to drop the payload;

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(c) except as provided in Subsection (3)(d), a third degree felony, if the operation of the unmanned aircraft system causes the unmanned aircraft to come into direct physical contact with a manned aircraft; or

(d) a second degree felony if the operation of the unmanned aircraft is the proximate cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.

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### Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (4) The incident commander of a wildland fire shall grant reasonable access to the area of, and within three miles of, the wildland fire to a sanctioned entity if:

(a) the access is for a purpose related to the responsibilities or business of the sanctioned entity; and

(b) the access can be granted, with reasonable restrictions, without imposing a safety risk or impairing efforts to control the wildland fire.