

Senator Alvin B. Jackson proposes the following substitute bill:

UNMANNED AIRCRAFT REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill addresses the use of unmanned aircraft within a specified distance of a wildland fire.

Highlighted Provisions:

This bill:

- defines terms;
- 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:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

63G-18-106, Utah Code Annotated 1953



26 65A-3-2.5, Utah Code Annotated 1953

27

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

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

30 **63G-18-101. Title.**

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

33 Section 2. Section **63G-18-106** is enacted to read:

34 **63G-18-106. Preemption of local law.**

35 (1) A political subdivision of the state, or an entity within a political subdivision of the
36 state, may not enact a law, ordinance, or rule governing the private use of an unmanned
37 aircraft.

38 (2) This chapter supersedes any law, ordinance, or rule enacted by a political
39 subdivision of the state.

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

41 **65A-3-2.5. Wildland fire and unmanned aircraft.**

42 (1) As used in this section:

43 (a) "Incident commander" means the government official or employee in command of
44 the response to a wildland fire.

45 (b) "Sanctioned entity" includes a person that oversees, is employed by, or is working
46 under the direction of:

47 (i) a government entity;

48 (ii) a telecommunications provider;

49 (iii) a utility provider;

50 (iv) the owner or operator of a pipeline;

51 (v) an insurance provider;

52 (vi) a resource extraction entity;

53 (vii) news media; or

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

55 (c) "Unmanned aircraft" means an aircraft that is:

56 (i) capable of sustaining flight; and

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

58 (d) "Unmanned aircraft system" means the entire system used to operate an unmanned
59 aircraft, including:

60 (i) the unmanned aircraft;

61 (ii) communications equipment;

62 (iii) navigation equipment;

63 (iv) controllers;

64 (v) support equipment; and

65 (vi) autopilot functionality.

66 (2) A person may not operate an unmanned aircraft system, in a manner that interferes
67 with efforts to control a wildland fire, within an area that is under a temporary flight restriction
68 that is issued by the Federal Aviation Administration as a result of the wildland fire, unless the
69 person operates the unmanned aircraft system with the permission of, and in accordance with
70 the restrictions established by, the incident commander.

71 (3) A person, other than a government official or a government employee acting within
72 the person's capacity as a government official or government employee, that recklessly violates
73 Subsection (2) is guilty of:

74 (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor;

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

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

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

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

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

87 (4) The incident commander of a wildland fire shall grant reasonable access to the area

88 of, and within three miles of, the wildland fire to a sanctioned entity if:

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

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