

HB0126S02 compared with HB0126S01

~~{deleted text}~~ shows text that was in HB0126S01 but was deleted in HB0126S02.

inserted text shows text that was not in HB0126S01 but was inserted into HB0126S02.

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~~{Representative Kraig Powell}~~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

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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

65A-3-2.5, Utah Code Annotated 1953

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

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

63G-18-101. Title.

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

"Unmanned Aircraft -- Drones."

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

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

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

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

Section ~~{1}~~3. 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~~)^a "Incident commander" means the government official or employee in command of the response to a wildland fire.

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

(i) a government entity;

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- (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).

(f)d;c) "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.

(f)e;d) "Unmanned aircraft system" means the entire system used to operate an unmanned 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 ~~fcauses an unmanned aircraft to fly within three miles of an uncontrolled~~ ~~interferes with efforts to control a wildland fire, within an area that is under a temporary flight restriction that is issued by the Federal Aviation Administration as a result of the~~ wildland fire, unless the person operates the unmanned aircraft system with the permission of, and in accordance with the restrictions established by, the 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 ~~recklessly~~ violates Subsection (2) is guilty of:

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

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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;

(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.

(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.