

# HB0420S01 compared with HB0420

~~deleted text~~ shows text that was in HB0420 but was deleted in HB0420S01.

inserted text shows text that was not in HB0420 but was inserted into HB0420S01.

**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 Robert M. Spendlove proposes the following substitute bill:

## UNMANNED VEHICLE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David E. Lifferth**

Senate Sponsor: ~~\_\_\_\_\_~~ David P. Hinkins

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### LONG TITLE

#### General Description:

This bill permits a public safety official to neutralize an unmanned ~~vehicle~~ aircraft that interferes with a response to ~~an emergency~~ certain emergencies.

#### Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ permits a public safety official to neutralize an unmanned ~~vehicle~~ aircraft that interferes with a response to ~~an emergency~~ certain emergencies.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

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## Utah Code Sections Affected:

### AMENDS:

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

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

### ENACTS:

~~{63G-18a-101, Utah Code Annotated 1953~~

~~—— 63G-18a-102, Utah Code Annotated 1953~~

~~—— 63G-18a-201, Utah Code Annotated 1953~~

~~—— 63G-18a-202, Utah Code Annotated 1953~~

~~—— 63G-18a-203;~~ 63G-18-106, Utah Code Annotated 1953

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

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

### CHAPTER 18. UNMANNED AIRCRAFT -- DRONES

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

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

"Unmanned Aircraft -- Drones."

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

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

As used in this chapter:

(1) "Acute emergency" means a fire, a flood, extreme weather, a missing person situation, or a natural or man-made disaster:

(a) that is expected to present an imminent threat to life or property, or to public health, safety, or welfare for more than 24 hours; and

(b) (i) for which the Federal Aviation Administration designates a temporary flight restriction; or

(ii) which receives designation as an emergency on a system managed by a federal, state, or local government entity that disseminates emergency information to the public.

~~[(+)]~~ (2) "Law enforcement agency" means an entity of the state or an entity of a political subdivision of the state, including an entity of a state institution of higher education, that exists primarily to prevent, detect, or prosecute crime and enforce criminal statutes or

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ordinances.

(3) "Neutralize" means to force the termination of the operation of an unmanned aircraft by:

(a) disabling or damaging the unmanned aircraft;

(b) interfering with any portion of the unmanned aircraft system associated with the unmanned aircraft; or

(c) otherwise taking control of the unmanned aircraft or the unmanned aircraft system associated with the unmanned aircraft.

~~[(2)]~~ (4) "Nongovernment actor" means a person that is not:

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

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

(c) a political subdivision of the state; or

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

(5) "Public safety official" means:

(a) a sworn and certified peace officer; or

(b) a firefighter who is:

(i) a member of a fire department or another public organization that provides fire suppression service; and

(ii) authorized by the department or a public organization described in Subsection (5)(b)(i) to neutralize an unmanned aircraft.

~~[(3)]~~ (6) "Target" means a person upon whom, or a structure or area upon which, a person:

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

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

~~[(4)]~~ (7) "Testing site" means an area that:

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

(b) a law enforcement agency identifies in writing to the Department of Public Safety,

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including the boundaries identified under Subsection (4)(a);

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

(d) contains no occupied structures.

~~[(5)(a)]~~ (8) "Unmanned aircraft ~~[system]~~" means an aircraft that is:

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

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

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

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

~~[(ii) strictly for hobby or recreational purposes.]~~

~~Section 1. Section 63G-18a-101 is enacted to read:~~

### ~~CHAPTER 18a. UNMANNED VEHICLES~~

#### ~~Part 1. General Provisions~~

~~63G-18a-101. Title:~~

~~This chapter is known as "Unmanned Vehicles."~~

~~Section 2. Section 63G-18a-102 is enacted to read:~~

~~63G-18a-102. Definitions:~~

~~As used in this chapter:~~

~~(1) "Acute emergency" means a fire, a flood, extreme weather, a missing person situation, or a natural or man-made disaster that is expected to present an imminent threat to life or property, or to public health, safety, or welfare for more than 24 hours.~~

~~(2) "Neutralize" means to force the termination of the operation of an unmanned vehicle by:~~

~~(a) disabling or damaging the unmanned vehicle;~~

~~(b) interfering with any portion of the unmanned vehicle system associated with the unmanned vehicle; or~~

~~(c) otherwise taking control of the unmanned vehicle or the unmanned vehicle system associated with the unmanned vehicle.~~

~~(3) "Public safety official" means:~~

~~(a) a sworn and certified peace officer; or~~

~~(b) a firefighter who is:~~

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~~(i) a member of a fire department or another public organization that provides fire suppression service; and~~

~~(ii) authorized by the department or a public organization described in Subsection (3)(b)(i) to neutralize an unmanned vehicle;~~

~~(4) (a) "Unmanned vehicle" means a device that:~~

~~(i) is self propelled;~~

~~(ii) may travel on land, through air, or on or under water; and~~

~~(iii) is operated with no possible direct human intervention from on or within the device;~~

~~(b) "Unmanned vehicle" does not include a device used exclusively on stationary rails or tracks;~~

~~(5) "Unmanned vehicle"}]~~

~~(9) "Unmanned aircraft system" means the entire system used to operate an unmanned {vehicle}aircraft, including:~~

~~(a) the unmanned {vehicle, including payload}aircraft;~~

~~(b) communications equipment{,};~~

~~(c) navigation equipment;~~

~~(d) controllers;~~

~~(e) support equipment; and~~

~~(f) autopilot functionality.~~

Section 3. Section ~~{63G-18a-201}~~63G-18-106 is enacted to read:

### ~~{Part 2. Restricted Use~~

~~63G-18a-201. Title:~~

~~This part is known as "Restricted Use."~~

~~Section 4. Section 63G-18a-202 is enacted to read:~~

~~63G-18a-202. Reserved:~~

~~Reserved~~

~~Section 5. Section 63G-18a-203 is enacted to read:~~

~~{~~ ~~63G-18a-203}~~63G-18-106. Unmanned {vehicles}aircraft and emergency operations.

(1) Subject to the requirements of this section, a public safety official may neutralize an

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unmanned {vehicle}aircraft that {operates within three miles of}interferes with the {location of}response to an acute emergency if neutralizing the unmanned {vehicle}aircraft is reasonably necessary to:

(a) protect an individual or property from hazards associated with the acute emergency;

(b) provide a safe environment for emergency response vehicles and personnel to

operate;

(c) prevent unsafe congestion of aircraft above or around the acute emergency; or

(d) protect a flight path of an aircraft being used to respond to the acute emergency.

(2) A public safety official may not neutralize an unmanned {vehicle}aircraft under this section if neutralizing the unmanned {vehicle}aircraft:

(a) could reasonably cause or lead to the death of, or bodily injury to, a human; or

(b) is likely to cause or lead to:

(i) the death of, or bodily injury to, an animal; or

(ii) damage to private property, other than the unmanned {vehicle}aircraft, in an amount greater than \$5,000.

(3) A public safety official who neutralizes an unmanned {vehicle}aircraft in accordance with this section shall neutralize the unmanned {vehicle}aircraft:

(a) in the most safe and practicable manner available; and

(b) in a manner that causes as little damage or destruction as possible, in light of the circumstances, to the unmanned {vehicle}aircraft and other property.

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**Legislative Review Note**

**Office of Legislative Research and General Counsel†**