

SB0210S01 compared with SB0210

~~text~~ shows text that was in SB0210 but was deleted in SB0210S01.

inserted text shows text that was not in SB0210 but was inserted into SB0210S01.

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.

Senator Wayne A. Harper proposes the following substitute bill:

UNMANNED AIRCRAFT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

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;
- ▶ establishes limitations and safety and use requirements for the operation of an unmanned aircraft;
- ▶ prohibits a person from:
 - committing a trespass with an unmanned aircraft;
 - committing a privacy violation with an unmanned aircraft;

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- ~~operating an unmanned aircraft within certain distances of an emergency situation;~~ or
- committing voyeurism with an unmanned aircraft;
- ~~establishes provisions for the creation of limited flight restrictions on unmanned aircraft in response to an emergency;~~
- ‡ ▶ allows a law enforcement officer to neutralize an unmanned aircraft in certain situations; and
- ▶ establishes criminal penalties.

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

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

76-6-206, as last amended by Laws of Utah 2015, Chapter 412

76-9-402, as enacted by Laws of Utah 1973, Chapter 196

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

ENACTS:

63G-18-106, Utah Code Annotated 1953

63G-18-107, Utah Code Annotated 1953

63G-18-201, Utah Code Annotated 1953

63G-18-202, Utah Code Annotated 1953

63G-18-301, Utah Code Annotated 1953

63G-18-302, Utah Code Annotated 1953

63G-18-303, Utah Code Annotated 1953

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

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

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

63G-18-402, Utah Code Annotated 1953

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63G-18-403, Utah Code Annotated 1953

63G-18-404, Utah Code Annotated 1953

~~{ 63G-18-405, Utah Code Annotated 1953~~

~~— 63G-18-406, Utah Code Annotated 1953~~

~~— 63G-18-407, Utah Code Annotated 1953~~

~~— 63G-18-408, Utah Code Annotated 1953~~

~~— 63G-18-409, Utah Code Annotated 1953~~

~~— 63G-18-410, Utah Code Annotated 1953~~

~~— 63G-18-411, Utah Code Annotated 1953~~

}RENUMBERS AND AMENDS:

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

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

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

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) "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 ordinances.]

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

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

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~~[(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.]~~

~~[(3) "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) "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, including the boundaries identified under Subsection (4)(a);]~~

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

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

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

(a) is used or is made available for landing or takeoff by an aircraft;

(b) provides a facility for the shelter, supply, or repair of aircraft and the handling of passengers and cargo;

(c) is identified in the current version of the Federal Aviation Administration's form 5010, Airport Master Record; and

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

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

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

(3) "Emergency" means:

(a) a natural or man-made disaster, a fire, a flood, or extreme weather; or

(b) a circumstance that presents an imminent threat to life or property, or public health,

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safety, or welfare.

~~{ (4) "Extreme 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 public health, safety, or welfare for more than 24 hours.~~

‡ ~~(5)4~~ "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 ordinances.

~~(6)5~~ "Law enforcement officer" means a sworn and certified peace officer:

(a) who is an employee of a law enforcement agency that is part of, or administered by, the state or a political subdivision of the state; and

(b) whose primary duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of the state or a political subdivision of the state.

~~{ (7) "Public operator" means a person who operates an unmanned aircraft system within the scope of the person's employment as an employee of, or at the direction of, an agency, department, division, or other entity within state government or a political subdivision of the state.~~

‡ ~~(5)(a)~~ ~~(8)6~~ "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)~~ ~~(9)7~~ "Unmanned aircraft system" [does not include an unmanned aircraft that is flown] means the entire system used to operate an unmanned aircraft, including:

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

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

(a) the unmanned aircraft;

(b) communications equipment;

(c) navigation equipment;

(d) controllers;

(e) support equipment; and

(f) autopilot functionality.

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

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

(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 unless:

(a) authorized by this chapter; or

(b) the political subdivision or entity is an airport operator that enacts the law, rule, or ordinance to govern:

(i) the operation of an unmanned aircraft within the geographic boundaries of the airport over which the airport operator has authority; or

(ii) the takeoff or landing of an unmanned aircraft at the airport over which the airport operator has authority.

(2) This chapter supercedes any law, ordinance, or rule enacted by a political subdivision of the state before July 1, 2016.

(3) This section does not apply to an unmanned aircraft system that is operated for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.

Section 4. Section **63G-18-107** is enacted to read:

63G-18-107. Applicability.

The following parts do not apply to a person who operates an unmanned aircraft system under a Certificate of Waiver, Certificate of Authorization, or other exemption obtained from the Federal Aviation Administration that specifically authorizes the operation of the unmanned aircraft system:

(1) Title 63G, Chapter 18, Part 3, Criminal Use of Unmanned Aircraft, except for Section 63G-18-304; and

(2) Title 63G, Chapter 18, Part 4, Safe Use of Unmanned Aircraft, except for Section 63G-18-404.

Section ~~{4}~~5. Section **63G-18-201** is enacted to read:

Part 2. Government Use of Unmanned Aircraft

63G-18-201. Title.

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

Section ~~{5}~~6. Section **63G-18-202** is enacted to read:

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63G-18-202. Definitions.

As used in this part:

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

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

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

(c) a political subdivision of the state; or

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

(2) "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 to attempt to collect information through the operation of an unmanned aircraft system.

(3) "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, including the boundaries identified under Subsection (3)(a);

(c) is not more than three square miles;

(d) contains no occupied structures; and

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

Section ~~{6}~~7. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is renumbered and amended to read:

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

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

(a) pursuant to a search warrant;

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

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

(d) at a testing site; or

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

(2) A nongovernment actor may only disclose data acquired through an unmanned aircraft system to a law enforcement agency if:

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

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

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

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

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

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

Section ~~7~~8. Section **63G-18-204**, which is renumbered from Section 63G-18-104 is renumbered and amended to read:

~~**63G-18-104**~~. **63G-18-204**. **Data retention.**

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

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

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

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

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

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

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

(b) the law enforcement agency receives the data:

(i) through a court order that:

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

(B) prohibits the destruction of the data; or

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

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- (c) (i) the data was collected inadvertently; and
- (ii) the data appears to pertain to the commission of a crime;
- (d) (i) the law enforcement agency reasonably determines that the data pertains to an emergency situation; and
- (ii) using or disclosing the data would assist in remedying the emergency; or
- (e) the data was collected through the operation of an unmanned aircraft system over public lands outside of municipal boundaries.

Section ~~63G-18-105~~⁹. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is renumbered and amended to read:

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

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

- (a) the number of times the law enforcement agency operated an unmanned aircraft system in the previous calendar year;
- (b) the number of criminal investigations aided by the use of an unmanned aircraft system operated by the law enforcement agency in the previous calendar year;
- (c) a description of how the unmanned aircraft system was helpful to each investigation described in Subsection (1)(b);
- (d) the frequency with which data was collected, and the type of data collected, by an unmanned aircraft system operated by the law enforcement agency on any person, structure, or area other than a target in the previous calendar year;
- (e) the number of times a law enforcement agency received, from a person who is not a law enforcement agency, data collected by an unmanned aircraft system; and
- (f) the total cost of the unmanned aircraft system program operated by the law enforcement agency in the previous calendar year, including the source of any funds used to operate the program.

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

- (b) A law enforcement agency that excludes information under Subsection (2)(a) from

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the report shall report the excluded information to the Utah Department of Public Safety on the annual report in the year following the year in which the investigation to which the information pertains is concluded.

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

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

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

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

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

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

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

Section ~~9~~10. Section **63G-18-301** is enacted to read:

Part 3. Criminal Use of Unmanned Aircraft

63G-18-301. Title.

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

Section ~~10~~11. Section **63G-18-302** is enacted to read:

63G-18-302. Reserved.

Reserved

Section ~~11~~12. Section **63G-18-303** is enacted to read:

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

(1) (a) As used in this section "weapon" means:

(i) a firearm; or

(ii) an object that in the manner of the object's use or intended use is capable of causing death, serious bodily injury, or serious damage to property.

(b) The following factors are used in determining whether an object, other than a firearm, is a dangerous weapon:

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- (i) the location and circumstances in which the object is used or possessed;
 - (ii) the primary purpose for which the object is made;
 - (iii) the character of the wound, if any, produced by the object's use;
 - (iv) the manner in which the object is used;
 - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
 - (vi) the lawful purposes for which the object may be used.
- (2) (a) Except as provided in Subsection (3), a person may not fly an unmanned aircraft that carries a weapon or to which a weapon is attached.
- (b) A person that violates Subsection (2)(a) is guilty of a class B misdemeanor.
- (3) A person may fly an unmanned aircraft that carries a weapon or to which a weapon is attached if the person:
- (a) (i) obtains a certificate of authorization, or other written approval, from the Federal Aviation Administration authorizing the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
 - (ii) operates the unmanned aircraft in accordance with the certificate of authorization or other written approval;
 - (b) (i) obtains a contract with the state or the federal government ~~{authorizing}~~ **permitting** the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
 - (ii) operates the unmanned aircraft in accordance with the contract; or
 - (c) operates the unmanned aircraft that carries the weapon or to which the weapon is attached in airspace controlled by the United States Department of Defense, with the permission of the United States Department of Defense.

Section ~~{12}~~ **13**. Section ~~{63G-18-304}~~ **63G-18-401** is enacted to read:

~~{63G-18-304. Trespass with unmanned aircraft -- Penalties:~~

- ~~(1) As used in this section, "remains unlawfully" means an unmanned aircraft remains over private property longer than reasonably necessary to cross the private property when:~~
- ~~(a) the private property or any portion of the private property is not open to the public; and~~
 - ~~(b) the person operating the unmanned aircraft is not otherwise licensed or privileged to fly the unmanned aircraft over the private property or any portion of the private property.~~

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~~(2) A person is guilty of trespass with an unmanned aircraft if:~~

~~(a) the person operates an unmanned aircraft system in a manner that causes an unmanned aircraft to:~~

~~(i) fly less than 400 feet above private property; and~~

~~(ii) remain unlawfully above the private property; and~~

~~(b) (i) the owner of the private property provides notice against entry onto or over the private property:~~

~~(A) through personal communication to the person operating the unmanned aircraft; or~~

~~(B) by posting signs that are reasonably likely to come to the attention of an individual intruding on the private property at ground level;~~

~~(ii) the person recklessly causes fear for the safety of another person;~~

~~(iii) the person operates the unmanned aircraft in a manner that recklessly endangers a person or property;~~

~~(iv) the person intends to cause annoyance or injury to a person or damage to property; or~~

~~(v) the person intends to commit a crime, other than theft or a felony.~~

~~(3) Trespass with an unmanned aircraft is a class C misdemeanor.~~

~~Section 13. Section 63G-18-305 is enacted to read:~~

~~**63G-18-305. Privacy violation with unmanned aircraft.**~~

~~(1) As used in this section, "private place" means the same as that term is defined in Section 76-9-401.~~

~~(2) Except as provided in Subsection (4), a person is guilty of a privacy violation with an unmanned aircraft if the person uses the unmanned aircraft with the intent to:~~

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

~~(b) overhear, amplify, or broadcast sound produced in a private place that would not ordinarily be audible or comprehensible by an individual located outside of the private place, without the consent of the person or persons in the private place.~~

~~(3) Privacy violation with an unmanned aircraft is a class B misdemeanor.~~

~~(4) This section does not apply to:~~

~~(a) a law enforcement agency that operates an unmanned aircraft system in accordance with Section 63G-18-203; or~~

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~~(b) a government official or government employee, other than a law enforcement agency, acting within the person's capacity as a government official or a government employee.~~Section

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

~~Part 4. Safe Use of Unmanned Aircraft~~

63G-18-401. Title.

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

Section ~~{15}~~14. Section 63G-18-402 is enacted to read:

63G-18-402. Reserved.

Reserved

Section ~~{16}~~15. Section 63G-18-403 is enacted to read:

63G-18-403. ~~{ Operation }~~ **Safe operation** of unmanned aircraft ~~{ and correctional facilities -- Penalties }~~.

(1) ~~{ As used in this section, "correctional facility" means the entirety of the grounds upon which one of the following is located:~~

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

~~— (b) a facility operated by or contracting with the federal government to permanently house criminal offenders in a secure setting;~~

~~— (c) a facility operated by a municipality or a county to house or detain criminal offenders; or~~

~~— (d) a juvenile detention facility.~~

~~(2) A person that operates an unmanned aircraft system for recreational purposes shall:~~

~~(a) maintain continuous line of sight with the unmanned aircraft, without the assistance of another person or instrumentation other than corrective lenses;~~

~~(b) yield right of way to a manned aircraft; and~~

~~(c) before flying within five miles of an airport, contact the airport's operator to determine whether there are any restrictions relating to the operation of the unmanned aircraft.~~

~~(2) A person that operates an unmanned aircraft system for recreational purposes may not fly an unmanned aircraft operated through the unmanned aircraft system:~~

~~(a) more than 400 feet above ground; or~~

~~(b) within 25 linear or vertical feet of an individual.~~

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~~(3) (a) (i) Except as provided in Subsection (3), a person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within 500 feet of a correctional facility:~~

~~—— (3) A person may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within 500 feet of a correctional facility if the person:~~

~~—— (a) is the entity that controls the correctional facility;~~

~~—— (b) operates the unmanned aircraft system under the direction of the entity that controls the correctional facility; or~~

~~—— (c) is the Department of Public Safety.~~

~~(4) A ~~(b)~~, a person that violates ~~(Subsection (2))~~ is guilty of:~~

~~—— (a) an infraction for a first offense; or~~

~~—— (b) a class C misdemeanor for a second or subsequent offense.~~

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

~~**63G-18-404. Operation of unmanned aircraft at wildland fire -- Penalties.**~~

~~—— (1) As used in this section, "wildland fire" means the same as that term is defined in Section 65A-1-1.~~

~~—— (2) Except as provided in Subsection (3), a person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within three miles of a wildland fire:~~

~~—— (3) A person may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within three miles of a wildland fire if:~~

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

~~—— (ii) 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;~~

~~—— (b) (i) the person is a law enforcement agency that operates the unmanned aircraft system in accordance with Section ~~63G-18-203~~; 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 the wildland fire; or~~

~~—— (c) the person is a government official or a government employee, other than a law enforcement agency, acting within the person's capacity as a government official or a~~

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government employee:

~~— (4) A;~~ this section:

(A) is guilty of a class B misdemeanor; and

(B) is liable for any damages resulting from the violation.

(ii) In addition to a fine assessed under Subsection (3)(a)(i)(A), a court may impose a civil penalty of not more than \$2,500 against a person that violates ~~{Subsection (2) is guilty of:~~

~~— (a) except as provided in Subsection (4)(b), (c), or (d), a class B misdemeanor, if the person violates Subsection (2) recklessly;~~

~~— (b) except as provided in Subsection (4)(c) or (d);~~ this section.

(b) (i) A person that recklessly violates this section is:

(A) guilty of 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;~~

~~— (c) except as provided in Subsection (4)(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 system is the proximate cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft;~~

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

~~— **63G-18-405. Altitude of operation -- Penalties:**~~

~~— (1) Except as provided in Subsection (2), a person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly more than 400 feet above ground level.~~

~~— (2) A person may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly more than 400 feet above ground level if the person:~~

~~— (a) obtains a certificate of authorization, or other written approval, from the Federal Aviation Administration authorizing the operation of the unmanned aircraft system in a manner~~

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~~that causes the unmanned aircraft to fly more than 400 feet above ground level; or~~

~~(b) operates the unmanned aircraft system in a manner that causes the unmanned aircraft to fly in airspace controlled by the United States Department of Defense, with the permission of the United States Department of Defense.~~

~~(3) A}; and~~

~~(B) liable for any damages resulting from the violation.~~

~~(ii) In addition to a fine assessed under Subsection (3)(b)(i)(A), a court may impose a civil penalty of not more than \$5,000 against a person that violates {Subsection (1) is guilty of an infraction} this section.~~

Section ~~{19. Section 63G-18-406~~ is enacted to read:

~~63G-18-406. Operation of unmanned aircraft above mass gatherings -- Penalties:~~

~~(1) Except as provided in Subsection (2), a person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly over an event at which more than 500 individuals are gathered:~~

~~(2) A person may operate an unmanned aircraft system in a manner that causes the unmanned aircraft to fly over an event at which more than 500 individuals are gathered if the person:~~

~~(a) receives permission to fly the unmanned aircraft over the event from:~~

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

~~(ii) the person organizing the event:~~

~~(A) is a public operator using the unmanned aircraft system to respond to an emergency; or~~

~~(B) is a law enforcement agency operating the unmanned aircraft system in accordance with Section 63G-18-203.~~

~~(3) A person that violates Subsection (1) is guilty of:~~

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

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

Section 20. Section ~~63G-18-407~~ is enacted to read:

~~63G-18-407. Operation of unmanned aircraft in proximity to an airport -- Penalties:~~

~~(1) Except as provided in Subsection (2), a person may not operate an unmanned~~

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aircraft system in a manner that causes an unmanned aircraft to fly within five miles of an airport:

~~—— (2) A person may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within five miles of an airport if:~~

~~—— (a) (i) the flight of the unmanned aircraft within five miles of the airport is necessary in order for the unmanned aircraft to take off from or land at the airport; and~~

~~—— (ii) the person has permission from the airport's operator to launch or land the unmanned aircraft at the airport;~~

~~—— (b) the person receives authorization to fly the unmanned aircraft within five miles of the airport from:~~

~~—— (i) the airport operator that has authority over the airport; or~~

~~—— (ii) the Federal Aviation Administration; or~~

~~—— (c) the operation is allowed under federal law or rule.~~

~~—— Section 21. Section ~~63G-18-408~~ is enacted to read:~~

~~—— ~~63G-18-408. Operation of unmanned aircraft while operating a motor vehicle --~~~~

~~Penalties:~~

~~—— (1) An individual may not operate an unmanned aircraft system while the individual operates a motor vehicle.~~

~~—— (2) A person that violates Subsection (1) is guilty of an infraction.~~

~~—— Section 22. Section ~~63G-18-409~~ is enacted to read:~~

~~—— ~~63G-18-409. Unmanned aircraft and extreme emergency -- Limited flight restriction on unmanned aircraft -- Penalties.~~~~

~~—— (1) As used in this section:~~

~~—— (a) "Department" means the Department of Public Safety.~~

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

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

~~—— (2) (a) Except as provided in Subsection (5), a person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area under a~~

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~~limited flight restriction designated under this section:~~

~~—— (b) A person that knowingly violates Subsection (2)(a) is guilty of a class B misdemeanor:~~

~~—— (3) (a) In accordance with Subsection (4), the department may, in response to an extreme emergency, designate a limited flight restriction on unmanned aircraft to:~~

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

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

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

~~—— (iv) protect a flight path of an aircraft being used to respond to the extreme emergency:~~

~~—— (b) A limited flight restriction on unmanned aircraft designated under this section may have a geographic boundary that extends horizontally to include all or a portion of the area within:~~

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

~~—— (ii) one mile of a potential low altitude flight path of an aircraft used to respond to an extreme emergency:~~

~~—— (c) A limited flight restriction on unmanned aircraft designated under this section extends vertically 400 feet above ground level within the geographic area covered by the limited flight restriction:~~

~~—— (d) (i) Except as provided in Subsection (4)(e), a limited flight restriction designated under this section may not last more than seven days:~~

~~—— (ii) The department may not designate a new limited flight restriction to circumvent the requirements of Subsection (3)(d)(i):~~

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

~~—— (i) to each county and municipality over which the limited flight restriction is created, amended, extended, or prematurely terminated;~~

~~—— (ii) on the department's website;~~

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

~~— (iv) to at least one of the following:~~

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

~~— (B) a correspondent for a local media outlet.~~

~~— (b) The notice provided under Subsection (4)(a) shall include:~~

~~— (i) a description of the extreme emergency for which the limited flight restriction on unmanned aircraft is designated, amended, extended, or prematurely terminated;~~

~~— (ii) a description of the area over which the limited flight restriction is designated, amended, extended, or prematurely terminated;~~

~~— (iii) the date and time the notice is provided; and~~

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

~~— (c) The department may not amend a limited flight restriction on unmanned aircraft unless the amendment is solely for the purpose of changing the boundary over which the limited flight restriction is imposed.~~

~~— (d) (i) Except as provided in Subsection (4)(e), a limited flight restriction on unmanned aircraft created under this section automatically terminates at the applicable termination date and time described in Subsection (4)(b)(iv):~~

~~— (ii) The department:~~

~~— (A) may, at any time, prematurely terminate a limited flight restriction on unmanned aircraft created by the department; and~~

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

~~— (e) The department may, as many times as necessary, extend the length of time of a limited flight restriction created by the department for up to three days at a time if, before the applicable termination date and time described in Subsection (4)(b)(iv), the department~~

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~~provides a notice of extension, described in Subsection (4)(b), in accordance with the requirements of Subsection (4)(a):~~

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

~~— (a) operates the unmanned aircraft system:~~

~~— (i) in response to the extreme emergency associated with the limited flight restriction; and~~

~~— (ii) under the direction of the governmental entity managing the response to the extreme emergency;~~

~~— (b) operates the unmanned aircraft system:~~

~~— (i) in response to an emergency that is not associated with the limited flight restriction; and~~

~~— (ii) in coordination with the governmental entity that is managing the response to the extreme emergency associated with the limited flight restriction; or~~

~~— (c) is a law enforcement agency that:~~

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

~~— (ii) coordinates the operation with the governmental entity that is managing the response to the extreme emergency associated with the limited flight restriction;~~

~~— (6) A limited flight restriction created under this section does not apply to an aircraft that is not an unmanned aircraft.~~

~~— Section 23. Section ~~63G-18-410~~ is enacted to read:~~

~~**63G-18-410. Unmanned aircraft and emergencies -- Limited flight restriction on unmanned aircraft -- Penalties.**~~

~~— (1) As used in this section:~~

~~— (a) "Designating entity" means:~~

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

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

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

~~— (B) existing exclusively within the boundaries of the county, that crosses the boundary~~

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~~of a municipality within the county; or~~

~~—— (iii) the Department of Public Safety for an emergency that crosses the boundary of a county within the state;~~

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

~~—— (2) A municipality or county:~~

~~—— (a) may not designate a limited flight restriction on unmanned aircraft unless the municipality or county designates by ordinance an agency, department, or other entity within the municipality's or county's government as having authority to designate a limited flight restriction on unmanned aircraft; and~~

~~—— (b) may establish procedures that are more restrictive than the requirements of this section for the designation of a limited flight restriction;~~

~~—— (3) (a) Except as provided in Subsection (6), a person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area under a limited flight restriction designated under this section;~~

~~—— (b) A person that knowingly violates Subsection (3)(a) is guilty of a class B misdemeanor;~~

~~—— (4) (a) In accordance with Subsection (5), a designating entity may, in response to an emergency, designate a limited flight restriction on unmanned aircraft to:~~

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

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

~~—— (iii) prevent unsafe congestion of aircraft above the emergency;~~

~~—— (b) A limited flight restriction on unmanned aircraft designated under this section may have a geographic boundary that extends horizontally from the location of an emergency up to the ground-level safety perimeter established by emergency response personnel responding to the emergency;~~

~~—— (c) A limited flight restriction on unmanned aircraft designated under this section extends vertically 400 feet above ground level within the geographic area covered by the limited flight restriction;~~

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~~— (d) (i) Except as provided in Subsection (5)(d), a limited flight restriction designated under this section may not last more than 24 hours;~~

~~— (ii) A designating entity may not designate a new limited flight restriction to circumvent the requirements of Subsection (4)(d)(i);~~

~~— (5) (a) A designating entity may designate, extend, or prematurely terminate a limited flight restriction on unmanned aircraft by providing a notice that the limited flight restriction is designated, extended, or prematurely terminated:~~

~~— (i) (A) on the designating entity's website;~~

~~— (B) if the designating entity does not have a website and was designated by a municipality, through the municipality's website;~~

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

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

~~— (ii) if available, through a mass communication notification system to individuals living within or near the geographic area in which the limited flight restriction is designated, extended, or terminated; and~~

~~— (iii) to at least one of the following:~~

~~— (A) a radio station that broadcasts within or near the geographic area in which the limited flight restriction is designated, extended, or terminated; or~~

~~— (B) a correspondent for a local media outlet;~~

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

~~— (i) a description of the emergency for which the limited flight restriction on unmanned aircraft is designated, extended, or prematurely terminated;~~

~~— (ii) a description of the area over which the limited flight restriction is designated, extended, or prematurely terminated;~~

~~— (iii) the date and time the notice is provided; and~~

~~— (iv) if the designating entity is creating or extending a limited flight restriction, subject to Subsection (4)(d)(i), the date and time the limited flight restriction will terminate;~~

~~— (c) Except as provided in Subsection (5)(d), a limited flight restriction on unmanned aircraft designated under this section is automatically terminated at the applicable termination~~

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date and time described in Subsection (5)(b)(iv):

~~—— (d) A designating entity:~~

~~—— (i) may, at any time, prematurely terminate a limited flight restriction on unmanned aircraft designated under this section by the designating entity; and~~

~~—— (ii) shall prematurely terminate a limited flight restriction on unmanned aircraft created under this section by the designating entity at the time the emergency associated with the limited flight restriction ceases to exist because the situation no longer presents an imminent threat to life or property, or public health, safety, or welfare.~~

~~—— (e) A designating entity may, as many times as necessary, extend the length of time of a limited flight restriction designated by the designating entity for up to 24 hours at a time if, before the applicable termination date and time described in Subsection (5)(b)(iv), the designating entity provides a notice of extension as described in Subsection (5)(b) in accordance with the requirements of Subsection (5)(a):~~

~~—— (6) A public operator may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area under a limited flight restriction designated under this section if the public operator:~~

~~—— (a) operates the unmanned aircraft system:~~

~~—— (i) in response to the emergency associated with the limited flight restriction; and~~

~~—— (ii) under the direction of the governmental entity managing the response to the emergency;~~

~~—— (b) operates the unmanned aircraft system:~~

~~—— (i) in response to an emergency that is not associated with the limited flight restriction; and~~

~~—— (ii) in coordination with the governmental entity that is managing the response to the emergency associated with the limited flight restriction; or~~

~~—— (c) is a law enforcement agency that:~~

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

~~—— (ii) coordinates the operation with the governmental entity that is managing the response to the emergency associated with the limited flight restriction.~~

~~—— (7) A limited flight restriction designated under this section does not apply to an aircraft that is not an unmanned aircraft.~~

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~~Section 24}~~16. Section ~~{63G-18-411}~~63G-18-404 is enacted to read:

~~{63G-18-411}~~63G-18-404. **Neutralizing unmanned aircraft.**

(1) As used in this section:

(a) "Law enforcement officer" includes a sworn and certified peace officer within:

(i) the Division of Forestry, Fire, and State Lands;

(ii) the United States Forest Service;

(iii) the Bureau of Land Management; or

(iv) the National Park Service.

(b) "Neutralize" means to force the termination of the flight of an unmanned aircraft

by:

(i) disabling or damaging the unmanned aircraft;

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

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

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

(i) threaten the safety of an individual or property immediately affected by an emergency;

(ii) threaten the safety or operation of a response vehicle or a person that is responding to an emergency;

(iii) create unsafe congestion of aircraft above or around an emergency; or

(iv) obstruct the flight path of an aircraft being used to respond to an emergency.

(b) In accordance with this section, a law enforcement officer may neutralize an unmanned aircraft that ~~flies in an area prohibited under Subsection 63G-18-409(2) or~~

63G-18-410(3) if neutralizing the unmanned aircraft is reasonably necessary to:

~~(a) protect an individual or property from hazards associated with the emergency or extreme emergency for which a limited flight restriction is created;~~

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

~~(c) prevent unsafe congestion of aircraft above or around the emergency or extreme~~

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~~emergency for which a limited flight restriction is created; or~~

~~(d) protect a flight path of an aircraft being used to respond to the emergency or extreme emergency for which a temporary flight restriction is created}~~ is operated in violation of Subsection (2)(a).

(3) A law enforcement officer may not neutralize an unmanned aircraft under this section if neutralizing the unmanned aircraft:

(a) could reasonably cause or lead to the death of, or bodily injury to, an individual; 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 aircraft system, in an amount greater than \$5,000.

(4) Except as provided in Subsection (3), a law enforcement officer may neutralize an unmanned aircraft under Subsection (2) after:

(a) a law enforcement officer has made a reasonable effort to:

(i) locate the individual operating the unmanned aircraft system; and

(ii) warn the individual that the unmanned aircraft operated by the individual:

(A) is flying in ~~an area prohibited under~~ violation of Subsection ~~63G-18-405~~(2) ~~or 63G-18-406~~(~~3~~)a); and

(B) may be neutralized if the individual continues to fly the unmanned aircraft in ~~the prohibited area;~~ violation of Subsection (2)(a); and

(b) the law enforcement officer, or the agency to which the law enforcement officer belongs, receives approval to neutralize the unmanned aircraft from the director of the governmental entity that is coordinating the response to the emergency or extreme emergency, or the director's designee.

(5) A law enforcement officer who neutralizes an unmanned aircraft in accordance with this section shall neutralize the unmanned aircraft:

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

(b) in a manner that causes as little damage or destruction as possible to the unmanned aircraft system and other property.

Section 17. Section 76-6-206 is amended to read:

76-6-206. Criminal trespass.

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(1) As used in this section ["enter"]:

(a) "Enter" means intrusion of the entire body [-] or the entire unmanned aircraft.

(b) "Remains unlawfully," as that term relates to an unmanned aircraft, means remaining on or over private property when:

(i) the private property or any portion of the private property is not open to the public;

and

(ii) the person operating the unmanned aircraft is not otherwise licensed or privileged to fly the unmanned aircraft over the private property or any portion of the private property.

(2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:

(a) the person enters or remains unlawfully on , or causes an unmanned aircraft to enter or remain unlawfully over, property and:

(i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;

(ii) intends to commit any crime, other than theft or a felony; or

(iii) is reckless as to whether [his] the person's or unmanned aircraft's presence will cause fear for the safety of another;

(b) knowing the person's or unmanned aircraft's entry or presence is unlawful, the person enters or remains on , or causes an unmanned aircraft to enter or remain unlawfully over, property [as] to which notice against entering is given by:

(i) personal communication to the [actor] person by the owner or someone with apparent authority to act for the owner;

(ii) fencing or other enclosure obviously designed to exclude intruders; or

(iii) posting of signs reasonably likely to come to the attention of intruders; or

(c) the person enters a condominium unit in violation of Subsection 57-8-7(8).

(3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless [it was] the violation is committed in a dwelling, in which event [it] the violation is a class A misdemeanor.

(b) A violation of Subsection (2)(c) is an infraction.

(4) It is a defense to prosecution under this section that:

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(a) the property was at the time open to the public; and

(b) the actor complied with all lawful conditions imposed on access to or remaining on the property.

Section 18. Section 76-9-402 is amended to read:

76-9-402. Privacy violation.

(1) A person is guilty of privacy violation if, except as authorized by law, ~~he~~ the person:

(a) ~~Trespasses~~ trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; ~~or~~

(b) ~~Installs in any~~ installs, or uses after unauthorized installation, in a private place, without the consent of the person or persons entitled to privacy ~~there~~ in the private place, any device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events in the private place ~~or uses any such unauthorized installation~~; or

(c) ~~Installs~~ installs or uses outside of a private place ~~any~~ a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events originating in the private place which would not ordinarily be audible, visible, or comprehensible outside the private place, without the consent of the person or persons entitled to privacy ~~there~~ in the private place.

(2) Privacy violation is a class B misdemeanor.

Section ~~{25}~~19. Section 76-9-702.7 is amended to read:

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

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

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

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

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

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

(3) Distribution or sale of any images, including in print, electronic, magnetic, or digital format, obtained under Subsection (1) by transmission, display, or dissemination is a third degree felony, except that if the violation of this Subsection (3) includes images of a child under 14 years of age, the violation is a second degree felony.

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

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

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

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

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

†

Legislative Review Note

Office of Legislative Research and General Counsel