

Senator Howard A. Stephenson proposes the following substitute bill:

PRIVATE USE OF DRONES

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill regulates the use of unmanned aircraft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recodifies provisions related to unmanned aircraft;
- ▶ establishes requirements and procedures relating to unmanned aircraft liability coverage;
- ▶ establishes limitations, and safety and use requirements, for the private operation of an unmanned aircraft;
- ▶ requires a private operator of an unmanned aircraft to be at least 17 years of age;
- ▶ prohibits an individual from interfering with the operation of an unmanned aircraft;
- ▶ establishes provisions governing an educational institution's use of an unmanned aircraft;
- ▶ establishes provisions governing the commercial use of an unmanned aircraft;
- ▶ grants rulemaking authority to the Board of Parks and Recreation with regards to unmanned aircraft; and
- ▶ establishes criminal penalties.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63G-18-101**, as last amended by Laws of Utah 2015, Chapter 269

33 **63G-18-102**, as last amended by Laws of Utah 2015, Chapter 269

34 **79-4-304**, as enacted by Laws of Utah 2009, Chapter 344

35 ENACTS:

36 **31A-22-2001**, Utah Code Annotated 1953

37 **31A-22-2002**, Utah Code Annotated 1953

38 **31A-22-2003**, Utah Code Annotated 1953

39 **31A-22-2004**, Utah Code Annotated 1953

40 **63G-18-106**, Utah Code Annotated 1953

41 **63G-18-107**, Utah Code Annotated 1953

42 **63G-18-108**, Utah Code Annotated 1953

43 **63G-18-201**, Utah Code Annotated 1953

44 **63G-18-202**, Utah Code Annotated 1953

45 **63G-18-301**, Utah Code Annotated 1953

46 **63G-18-302**, Utah Code Annotated 1953

47 **63G-18-303**, Utah Code Annotated 1953

48 **63G-18-304**, Utah Code Annotated 1953

49 **63G-18-305**, Utah Code Annotated 1953

50 **63G-18-306**, Utah Code Annotated 1953

51 **63G-18-307**, Utah Code Annotated 1953

52 **63G-18-308**, Utah Code Annotated 1953

53 **63G-18-309**, Utah Code Annotated 1953

54 **63G-18-310**, Utah Code Annotated 1953

55 **63G-18-311**, Utah Code Annotated 1953

56 **63G-18-312**, Utah Code Annotated 1953

- 57 **63G-18-313**, Utah Code Annotated 1953
- 58 **63G-18-314**, Utah Code Annotated 1953
- 59 **63G-18-315**, Utah Code Annotated 1953
- 60 **63G-18-316**, Utah Code Annotated 1953
- 61 **63G-18-317**, Utah Code Annotated 1953
- 62 **63G-18-318**, Utah Code Annotated 1953
- 63 **63G-18-319**, Utah Code Annotated 1953
- 64 **63G-18-320**, Utah Code Annotated 1953
- 65 **63G-18-321**, Utah Code Annotated 1953
- 66 **63G-18-322**, Utah Code Annotated 1953
- 67 **63G-18-401**, Utah Code Annotated 1953
- 68 **63G-18-402**, Utah Code Annotated 1953
- 69 **63G-18-403**, Utah Code Annotated 1953
- 70 **63G-18-501**, Utah Code Annotated 1953
- 71 **63G-18-502**, Utah Code Annotated 1953
- 72 **63G-18-503**, Utah Code Annotated 1953
- 73 **63G-18-504**, Utah Code Annotated 1953

74 RENUMBERS AND AMENDS:

- 75 **63G-18-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015,
- 76 Chapter 269)
- 77 **63G-18-204**, (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015,
- 78 Chapter 269)
- 79 **63G-18-205**, (Renumbered from 63G-18-105, as last amended by Laws of Utah 2015,
- 80 Chapter 269)



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

83 Section 1. Section **31A-22-2001** is enacted to read:

84 **31A-22-2001. Definitions.**

85 As used in this part:

- 86 (1) "Covered operator" means an operator who is covered by the provisions of an
- 87 insurance policy issued in accordance with this part.

88 (2) "Operator" means an individual who controls an unmanned aircraft system.

89 (3) "Owner" means the person that owns the unmanned aircraft.

90 (4) "Unmanned aircraft" means the same as that term is defined in Section

91 63G-18-102.

92 (5) "Unmanned aircraft system" means the same as that term is defined in Section

93 63G-18-102.

94 Section 2. Section 31A-22-2002 is enacted to read:

95 **31A-22-2002. Required components of unmanned aircraft liability insurance**

96 **policies.**

97 A policy of unmanned aircraft liability insurance obtained to satisfy the requirements of

98 Section 63G-18-504 shall comply with the requirements of Sections 31A-22-2003 and

99 31A-22-2004.

100 Section 3. Section 31A-22-2003 is enacted to read:

101 **31A-22-2003. Unmanned aircraft liability coverage.**

102 (1) In addition to complying with the requirements of Chapter 21, Insurance Contracts

103 in General, and Chapter 22, Part 2, Liability Insurance in General, a policy of unmanned

104 aircraft liability coverage described in Section 31A-22-2002 shall:

105 (a) state the following:

106 (i) the owner in whose name the policy is purchased;

107 (ii) the owner's address;

108 (iii) the coverage afforded to the owner;

109 (iv) the premium charged to the owner;

110 (v) the period of time the policy is valid; and

111 (vi) the policy's limits of liability;

112 (b) specifically designate each unmanned aircraft system for which the policy grants

113 coverage;

114 (c) insure the persons named in the policy;

115 (d) insure any other operator of an unmanned aircraft system described in Subsection

116 (1)(b) who operates the unmanned aircraft system with the express or implied permission of the

117 owner; and

118 (e) in addition to the coverage described in Section 31A-22-2002:

119 (i) cover damages or injury resulting from a covered operator who, while operating an
120 unmanned aircraft system, is stricken by paralysis, seizure, or other unconscious condition that
121 the covered operator did not know, or have reason to know, was likely to occur; and

122 (ii) cover a person who operates an unmanned aircraft system in violation of a
123 Certificate of Waiver, Certificate of Authorization, or other exemption obtained from the
124 Federal Aviation Administration by the owner of the unmanned aircraft system.

125 (2) A covered operator's liability is limited to the insurance policy's coverage.

126 (3) A policy containing unmanned aircraft liability coverage described in Section
127 [31A-22-2002](#) may:

128 (a) prorate the insurance with other valid insurance; or

129 (b) grant lawful coverage in addition to unmanned aircraft liability coverage.

130 (4) Unmanned aircraft liability coverage is not required to insure a liability:

131 (a) covered under a workers' compensation law under Title 34A, Utah Labor Code;

132 (b) resulting from bodily injury to, or death of, a named insured's employee if:

133 (i) the bodily injury or death is caused by an unmanned aircraft system that is owned by
134 the named insured; and

135 (ii) the named insured's employee acts as an employee of the named insured at the time
136 the bodily injury or death occurs; or

137 (c) resulting from damage to property owned by, rented to, bailed to, or transported by
138 the insured.

139 (5) (a) An insurance provider that provides an unmanned aircraft liability coverage
140 policy may, in good faith, settle any claim covered by the policy.

141 (b) The amount of a settlement made under Subsection (5)(a) is deductible from the
142 limits of liability described in Section [31A-22-2004](#).

143 (6) An insurer who grants an insurance policy containing unmanned aircraft liability
144 coverage shall defend, in good faith, a person insured under the policy against a claim or suit
145 brought by another person seeking damages that are payable under the policy if the other
146 person prevails.

147 (7) (a) An insurer upon which a third party brings a claim may not use the defense of
148 lack of cooperation on the part of the insured unless:

149 (i) the insurance policy of the insured provides the insurer with the defense of lack of

150 cooperation; and

151 (ii) the third party colludes with the insured to bring the claim.

152 (b) If the defense of lack of cooperation is not effective against the claimant under
153 Subsection (7)(a), after payment by the owner of the premium that is due, the insurer is:

154 (i) subrogated to the injured person's claim against the insured to the extent of the
155 payment; and

156 (ii) entitled to reimbursement by the insured after the claimant has been made whole
157 with respect to the claim against the insured.

158 (8) A policy of unmanned aircraft liability coverage may limit coverage to the policy
159 minimum limits described in Section [31A-22-2004](#) if:

160 (a) alcohol or an illegal drug or substance is present in the blood of a covered operator
161 while the covered operator operates an unmanned aircraft system designated under Subsection
162 (1)(b);

163 (b) the policy, or a specifically reduced premium, contains an express written
164 declaration that an unmanned aircraft system designated under Subsection (1)(b) will not be
165 operated by an individual while alcohol or an illegal drug or substance is present in the blood
166 of the individual; and

167 (c) the insured agreed to the declaration described in Subsection (8)(b).

168 (9) (a) A claimant who brings a claim exclusively against a named insured may elect to
169 resolve the claim:

170 (i) by submitting the claim to binding arbitration; or

171 (ii) through litigation.

172 (b) If the claimant elects to commence litigation under Subsection (9)(a)(ii), the
173 claimant may not elect under this section to resolve the claim through binding arbitration
174 without the written consent of the claimant, the insured, and the insured's insurer.

175 (c) (i) A claim that is submitted to binding arbitration under Subsection (9)(a)(i) shall
176 be resolved by a panel of arbitrators selected in accordance with Subsection (9)(c)(ii).

177 (ii) Unless otherwise agreed upon in writing by the claimant, the insured, and the
178 insured's insurer, a panel of arbitrators shall be composed of the following three members:

179 (A) one member selected by the claimant;

180 (B) one member selected by the insured; and

181 (C) one member jointly selected by the members described in Subsections (9)(c)(ii)(A)
182 and (B).

183 (d) (i) The claimant is responsible for all costs associated with the selection and
184 retention of the member described in Subsection (9)(c)(ii)(A).

185 (ii) The insured is responsible for all costs associated with the selection and retention
186 of the member described in Subsection (9)(c)(ii)(B).

187 (iii) Unless otherwise agreed upon in writing by the claimant and the insured, the
188 claimant and the insured are equally responsible for all costs associated with the selection and
189 retention of the member described in Subsection (9)(c)(ii)(C).

190 (e) Except as otherwise provided in this section, or unless otherwise agreed upon in
191 writing by the claimant, the insured, and the insured's insurer, an arbitration procedure
192 conducted under this section is governed by Title 78B, Chapter 11, Utah Uniform Arbitration
193 Act.

194 (f) (i) Discovery in an arbitration conducted under this section shall be conducted in
195 accordance with Utah Rules of Civil Procedure, Rules 26b through 36.

196 (ii) A dispute that arises during a pre-trial discovery shall be resolved by the arbitration
197 panel.

198 (g) A written decision of two of the three arbitrators constitutes a final decision of the
199 arbitration panel.

200 (h) Before an arbitration panel determines the amount of an arbitration award:

201 (i) the existence of a liability insurance policy may be disclosed to the arbitration
202 panel; and

203 (ii) the total amount of all applicable liability insurance policy limits may not be
204 disclosed to the arbitration panel.

205 (i) The amount of an arbitration award is equal to the lesser of:

206 (i) the amount the arbitration panel renders as an award; or

207 (ii) the liability limits of all the insured's applicable liability insurance policies,
208 including applicable liability umbrella policies.

209 (j) The arbitration award is the final resolution of all claims between the parties unless
210 the award is procured by corruption, fraud, or other undue means.

211 (k) If the arbitration panel finds that the claim was not brought, pursued, or defended in

212 good faith, the arbitration panel may award reasonable fees and costs against the party that
213 failed to bring, pursue, or defend the claim in good faith.

214 (10) Nothing in this section limits a claim under another portion of an applicable
215 insurance policy.

216 Section 4. Section **31A-22-2004** is enacted to read:

217 **31A-22-2004. Unmanned aircraft insurance liability limits.**

218 A policy containing unmanned aircraft liability coverage may not limit the insurer's
219 liability under the coverage below the following:

220 (1) (a) \$25,000 for a liability that is the proximate cause of bodily injury to or death of
221 one individual, arising out of the use of an unmanned aircraft system in any one accident;

222 (b) subject to the limit for one individual in Subsection (1)(a), \$65,000 for a liability
223 that is the proximate cause of bodily injury to or death of two or more individuals arising out of
224 the use of an unmanned aircraft system in any one accident; and

225 (c) \$15,000 for a liability that is the proximate cause of injury to or destruction of
226 property of others arising out of the use of an unmanned aircraft system in any one accident; or

227 (2) \$80,000 for a liability that is the proximate cause of bodily injury to or the death of
228 others, or from destruction of or damage to property of others arising out of the use of an
229 unmanned aircraft system in any one accident.

230 Section 5. Section **63G-18-101** is amended to read:

231 **CHAPTER 18. UNMANNED AIRCRAFT -- DRONES**

232 **63G-18-101. Title.**

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

235 Section 6. Section **63G-18-102** is amended to read:

236 **63G-18-102. Definitions.**

237 As used in this chapter:

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

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

240 (b) meets the minimum requirements established by the Operations Division of the
241 Department of Transportation for size and design, surface, marking, equipment, and operation;
242 and

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

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

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

249 (c) "Airport authority" does not include the governing body of a county or
250 municipality.

251 (3) "Commercial operator" means an individual who operates an unmanned aircraft
252 system for compensation, hire, or profit.

253 ~~[(1)]~~ (4) "Law enforcement agency" means an entity of the state or an entity of a
254 political subdivision of the state, including an entity of a state institution of higher education,
255 that exists primarily to prevent, detect, or prosecute crime and enforce criminal statutes or
256 ordinances.

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

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

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

261 ~~[(c) a political subdivision of the state; or]~~

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

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

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

267 ~~[(b) plans to collect or attempt to collect information through the operation of an~~
268 ~~unmanned aircraft system.]~~

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

270 ~~[(a) has boundaries that are clearly identified using GPS coordinates;]~~

271 ~~[(b) a law enforcement agency identifies in writing to the Department of Public Safety,~~
272 ~~including the boundaries identified under Subsection (4)(a);]~~

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

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

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

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

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

280 (6) "Operator" means an individual who controls an unmanned aircraft system.

281 ~~[(5)-(a)]~~ (7) "Unmanned aircraft [~~system~~]" means an aircraft that is:

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

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

285 ~~[(b)]~~ (8) "Unmanned aircraft system" [~~does not include an unmanned aircraft that is~~
286 ~~flown: (i) within visual line of sight of the individual operating the aircraft; and (ii) strictly for~~
287 ~~hobby or recreational purposes:]~~ means the entire system used to operate an unmanned aircraft,
288 including:

289 (a) the unmanned aircraft, including any payload;

290 (b) communications equipment;

291 (c) navigation equipment;

292 (d) controllers;

293 (e) support equipment; and

294 (f) autopilot functionality.

295 Section 7. Section **63G-18-106** is enacted to read:

296 **63G-18-106. Preemption of local ordinance.**

297 (1) A political subdivision of the state, or an entity of a political subdivision of the
298 state, may not enact a law, ordinance, or rule governing the private use of an unmanned
299 aircraft, unless the entity is an airport authority.

300 (2) This chapter supercedes a law, ordinance, or rule enacted by a political subdivision
301 of the state that is not an airport authority.

302 Section 8. Section **63G-18-107** is enacted to read:

303 **63G-18-107. Unmanned aircraft to yield right of way -- Penalties.**

304 (1) An operator of an unmanned aircraft shall yield right of way to:

305 (a) a manned aircraft;

306 (b) a parachutist; or

307 (c) a vehicle or individual on the ground.

308 (2) An operator who violates Subsection (1) is guilty of an infraction.

309 Section 9. Section **63G-18-108** is enacted to read:

310 **63G-18-108. Impaired operation of unmanned aircraft -- Penalties.**

311 (1) An operator may not operate an unmanned aircraft system while the operator:

312 (a) has a blood or breath alcohol concentration at or above .08 grams;

313 (b) is under the influence of any drug to a degree that renders the operator incapable of
314 safely operating the unmanned aircraft system; or

315 (c) knows or has reason to know of a physical or mental condition that could interfere
316 with the operator's safe operation of the unmanned aircraft system.

317 (2) If, after receiving a written warning from a law enforcement officer for a violation
318 of Subsection (1), a private operator subsequently violates Subsection (1), the private operator
319 is guilty of:

320 (a) an infraction for the first violation after receiving the warning; or

321 (b) a class B misdemeanor for a second or subsequent violation after receiving the
322 warning.

323 Section 10. Section **63G-18-201** is enacted to read:

324 **Part 2. Government Use of Unmanned Aircraft**

325 **63G-18-201. Title.**

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

327 Section 11. Section **63G-18-202** is enacted to read:

328 **63G-18-202. Definitions.**

329 As used in this part:

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

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

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

334 (c) a political subdivision of the state;

335 (d) a person employed by or otherwise acting in an official capacity on behalf of a

336 political subdivision of the state;

337 (e) the federal government; or

338 (f) a person employed by or otherwise acting in an official capacity on behalf of the
339 federal government.

340 (2) "Target" means a person upon whom, or a structure or area upon which, a person:

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

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

345 (3) "Testing site" means an area that:

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

347 (b) a law enforcement agency identifies in writing to the Department of Public Safety,
348 including the boundaries identified under Subsection (3)(a);

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

350 (d) contains no occupied structures.

351 Section 12. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is
352 renumbered and amended to read:

353 ~~**[63G-18-103].**~~ **63G-18-203. Unmanned aircraft system use requirements --**

354 **Exceptions -- Testing.**

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

357 (a) pursuant to a search warrant;

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

359 (c) (i) in a public location in which a person has no reasonable expectation of privacy;

360 and

361 (ii) the unmanned aircraft controlled by the unmanned aircraft system, at the time the
362 data is obtained by the unmanned aircraft system, is clearly audible and visible without aid:

363 (A) by all persons who are targets; and

364 (B) from all portions of the area on which data is collected;

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

366 ~~(d)~~ (e) at a testing site; or

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

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

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

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

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

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

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

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

381 Section 13. Section **63G-18-204**, which is renumbered from Section 63G-18-104 is
382 renumbered and amended to read:

383 ~~**63G-18-104.**~~ **63G-18-204. Data retention.**

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

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

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

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

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

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

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

393 (b) the law enforcement agency receives the data:

394 (i) through a court order that:

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

396 (B) prohibits the destruction of the data; or

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

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

405 Section 14. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is

406 renumbered and amended to read:

407 ~~[63G-18-105]~~. **63G-18-205. Reporting.**

408 (1) Except as provided by Subsections (2) and (3), before March 31 of each year, a law

409 enforcement agency that operated an unmanned aircraft system in the previous calendar year

410 shall submit to the Utah Department of Public Safety, and make public on the law enforcement

411 agency's website, a written report containing:

412 (a) the number of times the law enforcement agency operated an unmanned aircraft

413 system in the previous calendar year;

414 (b) the number of criminal investigations aided by the use of an unmanned aircraft

415 system operated by the law enforcement agency in the previous calendar year;

416 (c) a description of how the unmanned aircraft system was helpful to each investigation

417 described in Subsection (1)(b);

418 (d) the frequency with which data was collected, and the type of data collected, by an

419 unmanned aircraft system operated by the law enforcement agency on any person, structure, or

420 area other than a target in the previous calendar year;

421 (e) the number of times a law enforcement agency received, from a person who is not a

422 law enforcement agency, data collected by an unmanned aircraft system; and

423 (f) the total cost of the unmanned aircraft system program operated by the law

424 enforcement agency in the previous calendar year, including the source of any funds used to

425 operate the program.

426 (2) (a) A law enforcement agency that submits a report described in Subsection (1) may

427 exclude from the report information pertaining to an ongoing investigation.

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

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

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

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

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

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

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

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

443 and

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

445 Section 15. Section **63G-18-301** is enacted to read:

446 **Part 3. Private Use of Unmanned Aircraft**

447 **63G-18-301. Title.**

448 This part is known as "Private Use of Unmanned Aircraft."

449 Section 16. Section **63G-18-302** is enacted to read:

450 **63G-18-302. Definitions.**

451 As used in this part:

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

454 (2) "Line of sight" means direct, unobstructed visual contact with an unmanned aircraft
455 without the assistance of another person or instrumentation other than corrective lenses.

456 (3) (a) "Private operator" means an individual who is a nongovernment actor who
457 controls an unmanned aircraft system.

458 (b) "Private operator" includes:

459 (i) the individual who is required to maintain the ability to intervene under Subsection

460 63G-18-304(3) in the operation of an unmanned aircraft system that is running autonomously;

461 (ii) except as used in Section 63G-18-305, a supervising operator; and

462 (iii) a commercial operator.

463 (4) "Supervising operator" means a competent individual who:

464 (a) is at least 17 years of age;

465 (b) is capable of operating the unmanned aircraft system; and

466 (c) is in close enough proximity to a private operator to take control of the unmanned
467 aircraft system, if necessary.

468 (5) "Mode of transportation" means a device or animal in, on, or by which a person
469 may be transported.

470 Section 17. Section **63G-18-303** is enacted to read:

471 **63G-18-303. Applicability.**

472 This part does not:

473 (1) regulate a public entity's operation of an unmanned aircraft system, including the
474 federal government's operation of an unmanned aircraft system; or

475 (2) apply to an unmanned aircraft that weighs less than 0.55 pounds.

476 Section 18. Section **63G-18-304** is enacted to read:

477 **63G-18-304. Operator qualifications -- General safety requirements.**

478 (1) Before a private operator operates an unmanned aircraft system, the private
479 operator shall:

480 (a) examine the unmanned aircraft system to ensure that the unmanned aircraft system
481 operates properly;

482 (b) ensure that weather conditions will allow for the safe operation of the unmanned
483 aircraft;

484 (c) comply with all applicable federal laws and Federal Aviation Administration rules;

485 (d) ensure that the location for the takeoff, flight, and landing of the unmanned aircraft
486 is adequate for the safe operation of the unmanned aircraft; and

487 (e) establish proper measures to mitigate the harm that could result from a malfunction
488 of the unmanned aircraft system.

489 (2) While a private operator operates an unmanned aircraft system, the private
490 operator:

491 (a) shall immediately terminate the flight of the unmanned aircraft controlled by the
492 unmanned aircraft system if conditions change so that the requirements described in Subsection
493 (1) cannot be satisfied;

494 (b) shall, except as provided in Subsection (3), maintain complete, real-time control of
495 the unmanned aircraft;

496 (c) shall comply with all applicable federal laws and Federal Aviation Administration
497 rules; and

498 (d) may not use the unmanned aircraft system to commit:

499 (i) criminal trespass under Section [76-6-206](#);

500 (ii) a privacy violation under Section [76-9-402](#);

501 (iii) reckless endangerment under Section [76-5-112](#);

502 (iv) a stalking violation under Section [76-5-106.5](#); or

503 (v) cruelty to an animal under Section [76-9-301](#).

504 (3) A private operator who operates an unmanned aircraft autonomously is not required
505 to maintain complete, real-time control under Subsection (2)(b) of the unmanned aircraft if the
506 private operator:

507 (a) during the entire time the unmanned aircraft operates autonomously, maintains a
508 continuous ability to override the autonomous function of the unmanned aircraft to assume
509 complete control of the unmanned aircraft; and

510 (b) maintains continuous line of sight with the unmanned aircraft.

511 (4) (a) A private operator may not operate an unmanned aircraft system unless the
512 private operator has, in the private operator's immediate possession, a certificate of registration
513 issued by the Federal Aviation Administration for the unmanned aircraft system.

514 (b) A private operator shall, upon request from a representative of the Federal Aviation
515 Administration or a law enforcement officer, provide the representative or the officer with the
516 certificate of registration described in Subsection (4)(a).

517 (c) A private operator who violates Subsection (4)(b) is guilty of an infraction.

518 (5) (a) An unmanned aircraft system that is operated by a commercial operator is
519 required to be covered under an unmanned aircraft liability policy in accordance with Section
520 [63G-18-504](#).

521 (b) An unmanned aircraft system that is operated by a private operator is not required

522 to be covered under an unmanned aircraft liability policy, unless the private operator is a
523 commercial operator.

524 Section 19. Section **63G-18-305** is enacted to read:

525 **63G-18-305. Age requirements for operation -- Penalties.**

526 (1) As used in this section, "private operator" does not include a supervising operator.

527 (2) (a) Except as provided in Subsection (2)(b), a private operator is required to be at
528 least 17 years of age.

529 (b) A private operator who is less than 17 years of age and who is not a commercial
530 operator may operate an unmanned aircraft system if the private operator:

531 (i) is under the direct supervision of a supervising operator; or

532 (ii) operates the unmanned aircraft system:

533 (A) while the private operator is on property that is owned by the parent or legal
534 guardian of the private operator; and

535 (B) in a manner that causes an unmanned aircraft to fly exclusively over the property
536 described in Subsection (2)(b)(ii)(A).

537 (3) (a) A supervising operator shall have, in the supervising operator's immediate
538 possession, identification, issued by a governmental entity, that contains the supervising
539 operator's photograph and age or date of birth.

540 (b) A supervising operator shall, upon request from a representative of the Federal
541 Aviation Administration or a law enforcement officer, provide the representative or the officer
542 with the identification described in Subsection (3)(a).

543 (4) (a) A private operator who operates an unmanned aircraft system and who does not
544 comply with the requirements of Subsection (2) is guilty of an infraction.

545 (b) A supervising operator who violates Subsection (3) is guilty of an infraction.

546 Section 20. Section **63G-18-306** is enacted to read:

547 **63G-18-306. Height restriction -- Penalties.**

548 (1) A private operator may not operate an unmanned aircraft system in a manner that
549 causes an unmanned aircraft to fly more than 400 feet above ground level.

550 (2) A private operator who violates Subsection (1) is guilty of a class B misdemeanor.

551 Section 21. Section **63G-18-307** is enacted to read:

552 **63G-18-307. Airspeed restriction -- Penalties.**

553 (1) Except as provided in Subsection (2), a private operator may not operate an
554 unmanned aircraft system in a manner that causes an unmanned aircraft to exceed an airspeed
555 of 100 miles per hour.

556 (2) A private operator may operate an unmanned aircraft system in a manner that
557 causes an unmanned aircraft to exceed an airspeed of 100 miles per hour if:

558 (a) (i) a national nonprofit organization recognized by the Federal Aviation
559 Administration as having authority to provide guidance and waivers on unmanned aircraft
560 provides a written statement to the operator stating that operation of the unmanned aircraft at
561 an airspeed greater than 100 miles per hour is authorized by the organization; or

562 (ii) the private operator receives written approval from the Federal Aviation
563 Administration to operate the unmanned aircraft at an airspeed greater than 100 miles per hour;
564 and

565 (b) the private operator has, in the private operator's immediate possession, the
566 statement described in Subsection (2)(a)(i) or the approval described in Subsection (2)(a)(ii).

567 (3) A private operator who operates an unmanned aircraft under a statement or
568 approval described in Subsection (2) shall, upon request from a representative of the Federal
569 Aviation Administration or a law enforcement officer, provide the statement or approval to the
570 representative or officer.

571 (4) A private operator who violates:

572 (a) Subsection (1) is guilty of a class B misdemeanor; or

573 (b) Subsection (3) is guilty of an infraction.

574 Section 22. Section **63G-18-308** is enacted to read:

575 **63G-18-308. Weight restriction -- Penalties.**

576 (1) A private operator may not operate an unmanned aircraft with a gross takeoff
577 weight of more than 55 pounds unless:

578 (a) (i) a national nonprofit organization recognized by the Federal Aviation
579 Administration as having authority to provide guidance and waivers on unmanned aircraft
580 provides a written statement to the operator stating that operation of the unmanned aircraft that
581 weighs more than 55 pounds is authorized by the organization; or

582 (ii) the private operator receives written approval to operate the unmanned aircraft
583 from the Federal Aviation Administration; and

584 (b) the private operator has, in the private operator's immediate possession, the
585 statement described in Subsection (1)(a)(i) or the approval described in Subsection (1)(a)(ii).

586 (2) A private operator who operates an unmanned aircraft under a statement or
587 approval described in Subsection (1) shall, upon request from a representative of the Federal
588 Aviation Administration or a law enforcement officer, provide the statement or approval to the
589 representative or officer.

590 (3) A private operator who violates Subsection (1) or (2) is guilty of an infraction.
591 Section 23. Section **63G-18-309** is enacted to read:

592 **63G-18-309. Identification affixed to unmanned aircraft -- Penalties.**

593 (1) A private operator may not operate an unmanned aircraft unless the unmanned
594 aircraft has the unmanned aircraft owner's name, mailing address, telephone number, and
595 Federal Aviation Administration registration number permanently affixed to the outside of the
596 unmanned aircraft.

597 (2) A private operator who violates Subsection (1) is guilty of an infraction.

598 Section 24. Section **63G-18-310** is enacted to read:

599 **63G-18-310. Weaponizing unmanned aircraft -- Penalties.**

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

601 (i) a firearm; or

602 (ii) an object that in the manner of the object's use or intended use is capable of causing
603 death or serious bodily injury.

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

606 (i) the location and circumstances in which the object is used or possessed;

607 (ii) the primary purpose for which the object is made;

608 (iii) the character of the wound, if any, produced by the object's use;

609 (iv) the manner in which the object is used;

610 (v) whether the manner in which the object is used or possessed constitutes a potential
611 imminent threat to public safety; and

612 (vi) the lawful purposes for which the object may be used.

613 (2) An individual is guilty of weaponizing an unmanned aircraft if the individual:

614 (a) attaches a weapon to an unmanned aircraft; or

615 (b) uses an unmanned aircraft to carry a weapon.

616 (3) Weaponizing an unmanned aircraft is a class B misdemeanor.

617 Section 25. Section **63G-18-311** is enacted to read:

618 **63G-18-311. Propulsion mechanisms for unmanned aircraft -- Penalties.**

619 (1) A private operator may not operate an unmanned aircraft that uses:

620 (a) hydrogen gas for propulsion or lift; or

621 (b) except as provided in Subsection (2), metal blade propellers.

622 (2) Notwithstanding Subsection (1), an unmanned aircraft may use metal blade

623 propellers if:

624 (a) a national nonprofit organization recognized by the Federal Aviation
625 Administration as having authority to provide guidance and waivers on unmanned aircraft
626 provides a written statement to the private operator stating that operation of the unmanned
627 aircraft with metal blade propellers is authorized by the organization; and

628 (b) the private operator has, in the private operator's immediate possession, the
629 statement described in Subsection (2)(a).

630 (3) A private operator who operates an unmanned aircraft under a statement described
631 in Subsection (2)(a) shall, upon request from a representative of the Federal Aviation
632 Administration or a law enforcement officer, provide the statement or approval to the
633 representative or officer.

634 (4) A private operator who violates Subsection (3) is guilty of an infraction.

635 Section 26. Section **63G-18-312** is enacted to read:

636 **63G-18-312. Unmanned aircraft operation outside daylight hours.**

637 A private operator may not operate an unmanned aircraft system after sunset or before
638 sunrise unless the unmanned aircraft flown through the system is equipped with, and operates
639 using, an onboard lighting system that is visible, without aid, from at least 300 feet in all
640 directions.

641 Section 27. Section **63G-18-313** is enacted to read:

642 **63G-18-313. Operation of multiple unmanned aircraft -- Penalties.**

643 (1) A private operator may not:

644 (a) operate more than one unmanned aircraft at the same time, regardless of whether
645 one or more of the unmanned aircraft operates autonomously; or

646 (b) operate an unmanned aircraft at the same time the private operator operates or
647 controls a mode of transportation, regardless of whether the unmanned aircraft operates
648 autonomously.

649 (2) A private operator who violates Subsection (1) is guilty of an infraction.

650 Section 28. Section **63G-18-314** is enacted to read:

651 **63G-18-314. Interference with unmanned aircraft or operator.**

652 (1) Except as provided in Subsection (2), an individual may not interfere with the
653 operation of an unmanned aircraft system by:

654 (a) intentionally obscuring the operator's line of sight;

655 (b) interfering with the operator's interaction with the unmanned aircraft system;

656 (c) intentionally distracting the operator from the operation of the unmanned aircraft
657 system; or

658 (d) knowingly creating a radio frequency signal that might interfere with the operation
659 of the unmanned aircraft system.

660 (2) An individual may interfere with the operation of an unmanned aircraft system:

661 (a) to take necessary action to eliminate an immediate threat of an unmanned aircraft
662 striking an individual; or

663 (b) if the individual is a law enforcement officer, to eliminate an immediate threat an
664 unmanned aircraft poses to an individual's body or property.

665 (3) An individual who violates Subsection (1) is guilty of:

666 (a) an infraction if the interference does not cause damage to the unmanned aircraft,
667 damage to property, or bodily harm to an individual; or

668 (b) a class B misdemeanor if the interference causes damage to the unmanned aircraft,
669 damage to property, or bodily harm to an individual.

670 Section 29. Section **63G-18-315** is enacted to read:

671 **63G-18-315. Unmanned aircraft in prohibited airspace -- Penalties.**

672 (1) Except as provided in Subsection (2), a private operator may not operate an
673 unmanned aircraft system in a manner that causes an unmanned aircraft to fly in airspace
674 designated by the Federal Aviation Administration as:

675 (a) Class B, Class C, or Class D airspace;

676 (b) a restricted area under 14 C.F.R. Chapter 1, Subchapter E, Part 73, Subpart B; or

677 (c) a prohibited area under 14 C.F.R. Chapter 1, Subchapter E, Part 73, Subpart C.

678 (2) A private operator may operate an unmanned aircraft system in a manner that
679 causes an unmanned aircraft to fly in airspace described in Subsection (1) if the private
680 operator:

681 (a) receives written approval for the operation from the entity controlling the airspace
682 described in Subsection (1); and

683 (b) has, in the private operator's immediate possession, the written approval described
684 in Subsection (2)(a).

685 (3) A private operator who operates an unmanned aircraft system under a written
686 approval described in Subsection (2) shall, upon request from a representative of the Federal
687 Aviation Administration or a law enforcement officer, provide the written approval to the
688 representative or officer.

689 (4) A private operator who violates:

690 (a) Subsection (1) is guilty of a class B misdemeanor; or

691 (b) Subsection (3) is guilty of an infraction.

692 Section 30. Section **63G-18-316** is enacted to read:

693 **63G-18-316. Unmanned aircraft in proximity to airports.**

694 (1) A private operator may not operate an unmanned aircraft system in a manner that
695 causes an unmanned aircraft to fly within five miles of an airport unless the private operator:

696 (a) receives written approval from the airport operator authorizing the flight of the
697 unmanned aircraft within five miles of the airport; and

698 (b) has, in the private operator's immediate possession, the written approval described
699 in Subsection (1)(a).

700 (2) A private operator who operates an unmanned aircraft system under a written
701 approval described in Subsection (1)(a) shall, upon request from a representative of the Federal
702 Aviation Administration or a law enforcement officer, provide the written approval to the
703 representative or officer.

704 (3) A private operator who violates:

705 (a) Subsection (1)(a) is guilty of a class B misdemeanor; or

706 (b) Subsection (1)(b) or (2) is guilty of an infraction.

707 Section 31. Section **63G-18-317** is enacted to read:

708 **63G-18-317. Unmanned aircraft in federally prohibited areas -- Penalties.**

709 (1) Except as provided in Subsection (2), a private operator may not operate an
710 unmanned aircraft system in a manner that causes an unmanned aircraft to fly:

711 (a) within an area under a temporary flight restriction designated by the Federal
712 Aviation Administration; or

713 (b) in violation of a notice to airmen issued by the Federal Aviation Administration.

714 (2) A private operator may operate an unmanned aircraft system in a manner prohibited
715 under Subsection (1) if the private operator:

716 (a) receives written approval from the Federal Aviation Administration; and

717 (b) has, in the private operator's immediate possession, the written approval described
718 in Subsection (2)(a).

719 (3) A private operator who operates an unmanned aircraft system under a written
720 approval described in Subsection (2) shall, upon request from a representative of the Federal
721 Aviation Administration or a law enforcement officer, provide the approval to the
722 representative or officer.

723 (4) A private operator who violates:

724 (a) Subsection (1) is guilty of a class B misdemeanor; or

725 (b) Subsection (3) is guilty of an infraction.

726 Section 32. Section **63G-18-318** is enacted to read:

727 **63G-18-318. Unmanned aircraft in state protected areas -- Penalties.**

728 (1) Except as provided in Subsection (2), a private operator may not operate an
729 unmanned aircraft system so that an unmanned aircraft flies:

730 (a) within 1,000 feet of the grounds upon which the Utah State Capitol is located;

731 (b) in the airspace above the grounds upon which the Utah State Capitol is located;

732 (c) within 1,000 feet of the governor's mansion; or

733 (d) within 500 feet of an occupied structure that is more than 150 feet tall.

734 (2) A private operator may operate an unmanned aircraft system so that an unmanned
735 aircraft flies within an area prohibited under Subsection (1) if the private operator:

736 (a) receives written approval from the Department of Public Safety; and

737 (b) has, in the private operator's immediate possession, the written approval described
738 in Subsection (2)(a).

739 (3) A private operator who operates an unmanned aircraft system under a written
740 approval described in Subsection (2) shall, upon request from a representative of the Federal
741 Aviation Administration or a law enforcement officer, provide the written approval to the
742 representative or officer.

743 (4) A private operator who violates:

744 (a) Subsection (1) is guilty of a class C misdemeanor; or

745 (b) Subsection (3) is guilty of an infraction.

746 Section 33. Section **63G-18-319** is enacted to read:

747 **63G-18-319. Unmanned aircraft and correctional facilities -- Penalties.**

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

750 (a) a facility operated by or under contract with the Department of Corrections to
751 permanently house criminal offenders in a secure setting;

752 (b) a facility operated by a municipality or a county to house or detain criminal
753 offenders; or

754 (c) a juvenile detention facility.

755 (2) A private operator may not operate an unmanned aircraft system in a manner that
756 causes an unmanned aircraft to fly within 1,000 feet of a correctional facility, or the airspace
757 over a correctional facility, unless the private operator:

758 (a) receives written approval for the operation from the entity managing the operation
759 of the correctional facility; and

760 (b) has, in the private operator's immediate possession, the written approval described
761 in Subsection (2)(a).

762 (3) A private operator who operates an unmanned aircraft system under a written
763 approval described in Subsection (2) shall, upon request from one of the following individuals,
764 provide the written approval to the individual:

765 (a) a representative of the Federal Aviation Administration;

766 (b) a law enforcement officer; or

767 (c) an employee of the entity managing the operation of the correctional facility.

768 (4) A private operator who violates:

769 (a) Subsection (1) is guilty of a class B misdemeanor; or

770 (b) Subsection (3) is guilty of an infraction.

771 Section 34. Section **63G-18-320** is enacted to read:

772 **63G-18-320. Unmanned aircraft in an enclosure -- Penalties.**

773 (1) As used in this section:

774 (a) "Enclosure" means an area wholly or partially inside a manmade structure or natural
775 feature.

776 (b) "Enclosure" includes the area wholly or partially:

777 (i) inside a building or tent;

778 (ii) under a bridge, tunnel, overpass, or arch; or

779 (iii) in a cave or mine.

780 (2) A private operator may not operate an unmanned aircraft system so that an
781 unmanned aircraft flies in an enclosure unless the private operator:

782 (a) obtains written approval from:

783 (i) the owner of the enclosure in which the private operator flies the unmanned aircraft;

784 (ii) if applicable, the person organizing the event at which the private operator flies the
785 unmanned aircraft; and

786 (iii) if required by law, the Federal Aviation Administration in the form of a Certificate
787 of Waiver, Certificate of Authorization, or other exemption; and

788 (b) has, in the private operator's immediate possession, any written approval described
789 in Subsection (2)(a) obtained by the private operator.

790 (3) A private operator who operates an unmanned aircraft system under a written
791 approval described in Subsection (2) shall, upon request from a representative of the Federal
792 Aviation Administration or a law enforcement officer, provide the written approval to the
793 representative or officer.

794 (4) A private operator who violates:

795 (a) Subsection (2) is guilty of a class C misdemeanor; or

796 (b) Subsection (3) is guilty of an infraction.

797 Section 35. Section **63G-18-321** is enacted to read:

798 **63G-18-321. Unmanned aircraft and public schools.**

799 (1) As used in this section:

800 (a) "Local education agency" means:

801 (i) a school district;
802 (ii) a charter school; or
803 (iii) the Utah Schools for the Deaf and the Blind.
804 (b) "School-sponsored activity" means an activity, event, or class that is conducted,
805 managed, or supervised by a local education agency or an organization that is sanctioned by a
806 local education agency.

807 (2) Except as provided in Subsection (3), a private operator may not operate an
808 unmanned aircraft system in a manner that causes an unmanned aircraft to fly:

809 (a) (i) over property or a campus on which a local education agency school is located;
810 and

811 (ii) during a regular school day while class is in session;

812 (b) over property owned or leased by a local education agency, other than property
813 described in Subsection (2)(a); or

814 (c) over an ongoing school-sponsored activity.

815 (3) A private operator may operate an unmanned aircraft system in a manner described
816 in Subsection (2) if the private operator:

817 (a) obtains written approval for the operation of the unmanned aircraft system from the
818 local education agency; and

819 (b) has, in the private operator's immediate possession, the written approval described
820 in Subsection (3)(a).

821 (4) A private operator who operates an unmanned aircraft system under a written
822 approval described in Subsection (3) shall, upon request from a representative of the Federal
823 Aviation Administration or a law enforcement officer, provide the written approval to the
824 representative or officer.

825 (5) A private operator who knowingly violates this section is guilty of an infraction.

826 Section 36. Section **63G-18-322** is enacted to read:

827 **63G-18-322. Unmanned aircraft and emergencies -- Penalties.**

828 (1) As used in this section, "apparent emergency" means that official emergency
829 response personnel have arrived at the scene of an incident.

830 (2) A private operator may not operate an unmanned aircraft system in a manner that
831 causes an unmanned aircraft to fly over the scene of an apparent emergency, or an area

832 immediately affected by an apparent emergency, unless the operator flies the unmanned aircraft
833 under the direction of the person coordinating the response to the apparent emergency.

834 (3) A private operator is guilty of a class B misdemeanor if, after receiving a written
835 warning from a law enforcement officer for a violation of Subsection (2), the private operator
836 subsequently violates Subsection (2).

837 Section 37. Section **63G-18-401** is enacted to read:

838 **Part 4. Education Institution Operation of Unmanned Aircraft**

839 **63G-18-401. Title.**

840 This part is known as "Education Institution Operation of Unmanned Aircraft."

841 Section 38. Section **63G-18-402** is enacted to read:

842 **63G-18-402. Definitions.**

843 As used in this part:

844 (1) "Educational institution" means:

845 (a) an educational institution described in Section [53B-1-102](#) under the state system of
846 higher education; or

847 (b) a private institution of higher education in the state accredited by a regional or
848 national accrediting agency recognized by the United States Department of Education.

849 (2) "Educational operator" means an individual who operates an unmanned aircraft
850 system in the individual's official capacity as an employee or representative of an educational
851 institution.

852 Section 39. Section **63G-18-403** is enacted to read:

853 **63G-18-403. Higher educational institution operation of unmanned aircraft.**

854 (1) Except as provided in Subsection (4), an educational operator may not operate an
855 unmanned aircraft system unless:

856 (a) the educational operator has, in the educational operator's immediate possession:

857 (i) identification that:

858 (A) is issued by the educational institution for which the educational operator is
859 operating the unmanned aircraft system;

860 (B) indicates the educational operator's affiliation with the educational institution; and

861 (C) contains the educational operator's name and a photograph; and

862 (ii) a certificate of registration issued by the Federal Aviation Administration for the

863 unmanned aircraft system;

864 (b) if required by federal law or rule, the educational institution for which the
 865 educational operator is operating the unmanned aircraft system has obtained a Certificate of
 866 Waiver, Certificate of Authorization, or other exemption from the Federal Aviation
 867 Administration that specifically authorizes the operation of the unmanned aircraft system;

868 (c) the educational operator has, in the educational operator's immediate possession, a
 869 copy of any waiver, authorization, or exemption obtained under Subsection (1)(b); and

870 (d) the educational operator operates the unmanned aircraft system in accordance with
 871 any waiver, authorization, or exemption obtained under Subsection (1)(b).

872 (2) Upon request from a representative of the Federal Aviation Administration or a law
 873 enforcement officer, an educational operator shall provide the representative or officer:

874 (a) the identification described in Subsection (1)(a)(i);

875 (b) the certificate of registration described in Subsection (1)(a)(ii); or

876 (c) the waiver, authorization, or exemption described in Subsection (1)(b).

877 (3) An educational operator who violates Subsection (2) is guilty of an infraction.

878 (4) Unless required by federal law, an educational operator is not required to comply
 879 with this section if the educational operator operates an unmanned aircraft system over property
 880 that is owned by the educational institution for which the educational operator operates the
 881 unmanned aircraft system.

882 Section 40. Section **63G-18-501** is enacted to read:

883 **Part 5. Commercial Operation of Unmanned Aircraft**

884 **63G-18-501. Title.**

885 This part is known as "Commercial Operation of Unmanned Aircraft."

886 Section 41. Section **63G-18-502** is enacted to read:

887 **63G-18-502. Definitions.**

888 As used in this part, "valid identification" means:

889 (1) identification that:

890 (a) is issued by the corporate operator;

891 (b) indicates the individual's affiliation with the corporate operator; and

892 (c) contains the individual's name and a photograph; or

893 (2) a valid driver license or state-issued identification card.

894 Section 42. Section **63G-18-503** is enacted to read:

895 **63G-18-503. Regulated use of commercial unmanned aircraft.**

896 (1) A commercial operator may not operate an unmanned aircraft system for
897 commercial purposes, unless:

898 (a) the commercial operator is at least 17 years of age;

899 (b) the entity for which the commercial operator is operating the unmanned aircraft
900 system has obtained a Certificate of Waiver, Certificate of Authorization, or other exemption
901 from the Federal Aviation Administration that specifically authorizes the operation of the
902 unmanned aircraft system;

903 (c) the commercial operator has, in the commercial operator's immediate possession:

904 (i) valid identification;

905 (ii) a copy of a Certificate of Waiver, Certificate of Authorization, or other exemption
906 described in Subsection (1)(b); and

907 (iii) a certificate of registration issued by the Federal Aviation Administration for the
908 unmanned aircraft system;

909 (d) the commercial operator operates the unmanned aircraft system in accordance with
910 a Certificate of Waiver, Certificate of Authorization, or other exemption described in
911 Subsection (1)(b); and

912 (e) except as provided in Subsection (3), the commercial operator receives permission
913 from each landowner over which the commercial operator will fly an unmanned aircraft at less
914 than 400 feet above ground.

915 (2) Upon request from a representative of the Federal Aviation Administration or a law
916 enforcement officer, a commercial operator shall provide the representative or officer:

917 (a) valid identification;

918 (b) a Certificate of Waiver, Certificate of Authorization, or other exemption described
919 in Subsection (1)(b); or

920 (c) the certificate of registration described in Subsection (1)(c)(iii).

921 (3) A commercial operator is not required to obtain permission from a landowner under
922 Subsection (1)(e) to operate an unmanned aircraft at less than 400 feet above ground if an
923 altitude of less than 400 feet above the landowner's property is necessary in order to take off or
924 land at an airport, airfield, or runway.

925 (4) (a) A commercial operator who violates Subsection (1)(b) is guilty of a class B
926 misdemeanor.

927 (b) A commercial operator who violates Subsection (2) is guilty of an infraction.
928 Section 43. Section **63G-18-504** is enacted to read:

929 **63G-18-504. Liability coverage required for commercial operation.**

930 (1) Except as provided in Subsection (3), on or after July 1, 2017, a commercial
931 operator may not operate an unmanned aircraft system for commercial purposes unless:

932 (a) the unmanned aircraft system is covered under a policy of unmanned aircraft
933 liability coverage that complies with the requirements of Section [31A-22-2002](#); and

934 (b) the commercial operator has, in the commercial operator's immediate possession,
935 evidence of the unmanned aircraft liability coverage described in Subsection (1)(a).

936 (2) On or after July 1, 2017, upon request from a representative of the Federal Aviation
937 Administration or a law enforcement officer, a commercial operator shall provide the
938 representative or officer evidence of unmanned aircraft liability coverage described in
939 Subsection (1)(a).

940 (3) Notwithstanding Subsection (1), a commercial operator may operate an unmanned
941 aircraft system for commercial purposes without obtaining a policy of unmanned aircraft
942 liability coverage if the commercial operator only flies the unmanned aircraft controlled by the
943 unmanned aircraft system:

944 (a) for agricultural purposes; and

945 (b) over property owned by the commercial operator or a person with whom the
946 commercial operator has an agreement to operate the unmanned aircraft.

947 (4) (a) A commercial operator who violates Subsection (1)(a) is guilty of a class B
948 misdemeanor.

949 (b) A commercial operator who violates Subsection (2) is guilty of an infraction.
950 Section 44. Section **79-4-304** is amended to read:

951 **79-4-304. Board rulemaking authority.**

952 (1) (a) The board may make rules:

953 (i) governing the use of the state park system;

954 (ii) to protect state parks and their natural and cultural resources from misuse or
955 damage, including watersheds, plants, wildlife, and park amenities; and

- 956 (iii) to provide for public safety and preserve the peace within state parks.
- 957 (b) To accomplish the purposes stated in Subsection (1)(a), the board may enact rules
- 958 that:
- 959 (i) close or partially close state parks; [~~or~~]
- 960 (ii) establish use or access restrictions within state parks[~~;~~]; or
- 961 (iii) regulate the use of unmanned aircraft over state parks.
- 962 (c) Rules made under Subsection (1) may not have the effect of preventing the transfer
- 963 of livestock along a livestock highway established in accordance with Section [72-3-112](#).
- 964 (2) The board shall adopt appropriate rules governing the collection of charges under
- 965 Subsection [79-4-203](#)(8).