

1                                   **ADVANCED AIR MOBILITY AMENDMENTS**

2   2023 GENERAL SESSION

3   STATE OF UTAH

---

---

4

5 **LONG TITLE**

6 **General Description:**

7           This bill amends and enacts provisions related to advanced air mobility systems.

8 **Highlighted Provisions:**

9           This bill:

- 10           ▶ defines terms;
- 11           ▶ renumbers and amends provisions related to unmanned aircraft systems and
- 12           organizes those provisions with code related to the Division of Aeronautics;
- 13           ▶ amends the powers of the Division of Aeronautics to include oversight of vertiports
- 14           and other topics related to advanced air mobility systems;
- 15           ▶ requires registration of unmanned aircraft systems and advanced air mobility
- 16           systems;
- 17           ▶ grants rulemaking authority to the Department of Transportation to make rules
- 18           related to registration fees and registration requirements for unmanned aircraft
- 19           systems and advanced air mobility systems;
- 20           ▶ enacts and amends provisions related to preemption of local ordinances and
- 21           business licensing of advanced air mobility business; and
- 22           ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24           None

25 **Other Special Clauses:**

26           None

27 **Utah Code Sections Affected:**

28 AMENDS:

29           **72-10-102**, as last amended by Laws of Utah 2019, Chapters 431, 479

30           **72-10-103**, as last amended by Laws of Utah 2019, Chapter 431

31           **72-10-109**, as last amended by Laws of Utah 2018, Chapter 436

32           **72-10-110**, as last amended by Laws of Utah 2018, Chapter 436

33           **76-2-106**, as enacted by Laws of Utah 2022, Chapter 93

34           **76-9-308**, as last amended by Laws of Utah 2022, Chapter 99

35 RENUMBERS AND AMENDS:

36           **72-10-701**, (Renumbered from 72-14-103, as last amended by Laws of Utah 2022,  
37           Chapter 99)

38           **72-10-702**, (Renumbered from 72-14-104, as enacted by Laws of Utah 2017, Chapter  
39           364)

40           **72-10-801**, (Renumbered from 72-14-201, as enacted by Laws of Utah 2017, Chapter  
41           364)

42           **72-10-802**, (Renumbered from 72-14-202, as enacted by Laws of Utah 2017, Chapter  
43           364)

44           **72-10-803**, (Renumbered from 72-14-203, as last amended by Laws of Utah 2022,  
45           Chapter 64)

46           **72-10-804**, (Renumbered from 72-14-204, as renumbered and amended by Laws of  
47           Utah 2017, Chapter 364)

48           **72-10-805**, (Renumbered from 72-14-205, as enacted by Laws of Utah 2017, Chapter  
49           364)

50           **72-10-901**, (Renumbered from 72-14-301, as enacted by Laws of Utah 2017, Chapter  
51           364)

52           **72-10-902**, (Renumbered from 72-14-302, as enacted by Laws of Utah 2017, Chapter  
53           364)

54           **72-10-903**, (Renumbered from 72-14-303, as enacted by Laws of Utah 2017, Chapter  
55           364)

56           **72-10-1001**, (Renumbered from 72-14-401, as enacted by Laws of Utah 2017, Chapter  
57           364)

58           **72-10-1002**, (Renumbered from 72-14-402, as enacted by Laws of Utah 2017, Chapter  
59           364)

60           **72-10-1003**, (Renumbered from 72-14-403, as enacted by Laws of Utah 2017, Chapter  
61           364)

62 REPEALS:

63           **72-14-101**, as renumbered and amended by Laws of Utah 2017, Chapter 364

64            **72-14-102**, as last amended by Laws of Utah 2022, Chapter 99

65

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

67            Section 1. Section **72-10-102** is amended to read:

68            **72-10-102. Definitions.**

69            As used in this chapter:

70            (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air  
71 navigation.

72            (2) (a) "Advanced air mobility system" means a system that transports individuals and  
73 property using piloted and unpiloted aircraft, including electric aircraft and electric vertical  
74 takeoff and landing aircraft, in controlled or uncontrolled airspace.

75            (b) "Advanced air mobility system" includes each component of a system described in  
76 Subsection (2)(a), including:

77            (i) the aircraft, including payload;

78            (ii) communications equipment;

79            (iii) navigation equipment;

80            (iv) controllers;

81            (v) support equipment; and

82            (vi) remote and autonomous functions.

83            (3) "Aerial transit corridor" means an airspace volume defining a three-dimensional  
84 route segment with performance requirements to operate within or to cross where tactical air  
85 traffic control separation services are not provided.

86            ~~(2)~~ (4) "Aeronautics" means transportation by aircraft, air instruction, the operation,  
87 repair, or maintenance of aircraft, and the design, operation, repair, or maintenance of airports,  
88 or other air navigation facilities.

89            ~~(3)~~ (5) "Aeronautics instructor" means any individual engaged in giving or offering to  
90 give instruction in aeronautics, flying, or ground subjects, either with or without:

91            (a) compensation or other reward;

92            (b) advertising the occupation;

93            (c) calling his facilities an air school, or any equivalent term; or

94            (d) employing or using other instructors.

95           ~~[(4)]~~ (6) "Aircraft" means any contrivance now known or in the future invented, used,  
96 or designed for navigation of or flight in the air.

97           ~~[(5)]~~ (7) "Air instruction" means the imparting of aeronautical information by any  
98 aviation instructor or in any air school or flying club.

99           ~~[(6)]~~ (8) "Airport" means any area of land, water, or both, that:

100           (a) is used or is made available for landing and takeoff;

101           (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of  
102 passengers and cargo;

103           (c) meets the minimum requirements established by the department as to size and  
104 design, surface, marking, equipment, and operation; and

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

107           ~~[(7)]~~ (9) "Airport authority" means a political subdivision of the state, other than a  
108 county or municipality, that is authorized by statute to operate an airport.

109           ~~[(8)]~~ (10) "Airport operator" means a municipality, county, or airport authority that  
110 owns or operates a commercial airport.

111           ~~[(9)]~~ (11) (a) "Airport revenue" means:

112           (i) all fees, charges, rents, or other payments received by or accruing to an airport  
113 operator for any of the following reasons:

114           (A) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport  
115 permittees making use of airport property and services, and other parties;

116           (B) revenue received from the activities of others or the transfer of rights to others  
117 relating to the airport, including revenue received:

118           (I) for the right to conduct an activity on the airport or to use or occupy airport  
119 property;

120           (II) for the sale, transfer, or disposition of airport real or personal property, or any  
121 interest in that property, including transfer through a condemnation proceeding;

122           (III) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural  
123 products or water owned by the airport operator to be taken from the airport; and

124           (IV) for the right to conduct an activity on, or for the use or disposition of, real or  
125 personal property or any interest in real or personal property owned or controlled by the airport

126 operator and used for an airport-related purpose but not located on the airport; or

127 (C) revenue received from activities conducted by the airport operator whether on or  
128 off the airport, which is directly connected to the airport operator's ownership or operation of  
129 the airport; and

130 (ii) state and local taxes on aviation fuel.

131 (b) "Airport revenue" does not include amounts received by an airport operator as  
132 passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

133 ~~[(10)]~~ (12) "Air school" means any person engaged in giving, offering to give, or  
134 advertising, representing, or holding himself out as giving, with or without compensation or  
135 other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these  
136 subjects.

137 ~~[(11)]~~ (13) "Airworthiness" means conformity with requirements prescribed by the  
138 Federal Aviation Administration regarding the structure or functioning of aircraft, engine,  
139 parts, or accessories.

140 ~~[(12)]~~ (14) "Civil aircraft" means any aircraft other than a public aircraft.

141 ~~[(13)]~~ (15) "Commercial aircraft" means aircraft used for commercial purposes.

142 ~~[(14)]~~ (16) "Commercial airport" means a landing area, landing strip, or airport that  
143 may be used for commercial operations.

144 ~~[(15)]~~ (17) "Commercial flight operator" means a person who conducts commercial  
145 operations.

146 ~~[(16)]~~ (18) "Commercial operations" means:

147 (a) any operations of an aircraft for compensation or hire or any services performed  
148 incidental to the operation of any aircraft for which a fee is charged or compensation is  
149 received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of  
150 aircraft, the operation of flight or ground schools, the operation of aircraft for the application or  
151 distribution of chemicals or other substances, and the operation of aircraft for hunting and  
152 fishing; or

153 (b) the brokering or selling of any of these services; but

154 (c) does not include any operations of aircraft as common carriers certificated by the  
155 federal government or the services incidental to those operations.

156 (19) "Correctional facility" means the same as that term is defined in Section

157 77-16b-102.

158 ~~[(17)]~~ (20) "Dealer" means any person who is actively engaged in the business of flying  
159 for demonstration purposes, or selling or exchanging aircraft, and who has an established place  
160 of business.

161 ~~[(18)]~~ (21) "Experimental aircraft" means:

162 (a) any aircraft designated by the Federal Aviation Administration or the military as  
163 experimental and used solely for the purpose of experiments, or tests regarding the structure or  
164 functioning of aircraft, engines, or their accessories; and

165 (b) any aircraft designated by the Federal Aviation Administration as:

166 (i) being custom or amateur built; and

167 (ii) used for recreational, educational, or display purposes.

168 ~~[(19)]~~ (22) "Flight" means any kind of locomotion by aircraft while in the air.

169 ~~[(20)]~~ (23) "Flying club" means five or more persons who for neither profit nor reward  
170 own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

171 ~~[(21)]~~ (24) "Glider" means an aircraft heavier than air, similar to an airplane, but  
172 without a power plant.

173 ~~[(22)]~~ (25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or  
174 overhauls aircraft, engines, or accessories.

175 ~~[(23)]~~ (26) "Parachute jumper" means any person who has passed the required test for  
176 jumping with a parachute from an aircraft, and has passed an examination showing that he  
177 possesses the required physical and mental qualifications for the jumping.

178 ~~[(24)]~~ (27) "Parachute rigger" means any person who has passed the required test for  
179 packing, repairing, and maintaining parachutes.

180 ~~[(25)]~~ (28) "Passenger aircraft" means aircraft used for transporting persons, in  
181 addition to the pilot or crew, with or without their necessary personal belongings.

182 ~~[(26)]~~ (29) "Person" means any individual, corporation, limited liability company, or  
183 association of individuals.

184 ~~[(27)]~~ (30) "Pilot" means any person who operates the controls of an aircraft while  
185 in-flight.

186 ~~[(28)]~~ (31) "Primary glider" means any glider that has a gliding angle of less than 10 to  
187 one.

188           ~~[(29)]~~ (32) "Public aircraft" means an aircraft used exclusively in the service of any  
189 government or of any political subdivision, including the government of the United States, of  
190 the District of Columbia, and of any state, territory, or insular possession of the United States,  
191 but not including any government-owned aircraft engaged in carrying persons or goods for  
192 commercial purposes.

193           ~~[(30)]~~ (33) "Reckless flying" means the operation or piloting of any aircraft recklessly,  
194 or in a manner as to endanger the property, life, or body of any person, due regard being given  
195 to the prevailing weather conditions, field conditions, and to the territory being flown over.

196           ~~[(31)]~~ (34) "Registration number" means the number assigned by the Federal Aviation  
197 Administration to any aircraft, whether or not the number includes a letter or letters.

198           ~~[(32)]~~ (35) "Secondary glider" means any glider that has a gliding angle between 10 to  
199 one and 16 to one, inclusive.

200           ~~[(33)]~~ (36) "Soaring glider" means any glider that has a gliding angle of more than 16  
201 to one.

202           (37) "Unmanned aircraft" means an aircraft that is:

203           (a) capable of sustaining flight; and

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

205           (38) "Unmanned aircraft system" means the entire system used to operate an unmanned  
206 aircraft, including:

207           (a) the unmanned aircraft, including payload;

208           (b) communications equipment;

209           (c) navigation equipment;

210           (d) controllers;

211           (e) support equipment; and

212           (f) autopilot functionality.

213           (39) "Unmanned aircraft system traffic management" means a traffic management  
214 ecosystem for uncontrolled operations, including unmanned aircraft systems, that is separate  
215 from, but complementary to, the Federal Aviation Administration's air traffic management  
216 system.

217           (40) "Vertiport" means an area of land, or a structure, used or intended to be used for  
218 electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including associated

219 buildings and facilities.

220 Section 2. Section **72-10-103** is amended to read:

221 **72-10-103. Rulemaking requirement.**

222 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
223 department shall make rules:

224 (a) governing the establishment, location, and use of air navigation facilities;

225 (b) regulating the use, licensing, and supervision of all airports and vertiports in this  
226 state;

227 (c) establishing minimum standards with which all air navigation facilities, flying  
228 clubs, aircraft, gliders, pilots, and airports must comply; and

229 (d) safeguarding from accident and protecting the safety of persons operating or using  
230 aircraft and persons and property on the ground.

231 (2) The rules may:

232 (a) require that any device or accessory that forms part of any aircraft or its equipment  
233 be certified as complying with this chapter;

234 (b) limit the use of any device or accessory as necessary for safety; and

235 (c) develop and promote aeronautics within this state.

236 (3) (a) To avoid the danger of accident incident to confusion arising from conflicting  
237 rules governing aeronautics, the rules shall conform as nearly as possible with federal  
238 legislation, rules, regulations, and orders on aeronautics.

239 (b) The rules may not be inconsistent with paramount federal legislation, rules,  
240 regulations, and orders on the subject.

241 (4) The department may not require any pilot, aircraft, or mechanic who has procured a  
242 license under the Civil Aeronautics Authority of the United States to obtain a license from this  
243 state, other than required by this chapter.

244 (5) The department may not make rules that conflict with the regulations of:

245 (a) the Civil Aeronautics Authority; or

246 (b) other federal agencies authorized to regulate the particular activity.

247 (6) The department shall comply with the procedures and requirements of Title 63G,  
248 Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

249 Section 3. Section **72-10-109** is amended to read:

250 **72-10-109. Certificate of registration of aircraft required -- Exceptions.**

251 (1) (a) A person may not operate, pilot, or navigate, or cause or authorize to be  
252 operated, piloted, or navigated within this state any civil aircraft domiciled in this state unless  
253 the aircraft has a current certificate of registration issued by the department.

254 (b) The restriction described in Subsection (1)(a) does not apply to aircraft licensed by  
255 a foreign country with which the United States has a reciprocal agreement covering the  
256 operations of the registered aircraft or to a non-passenger-carrying flight solely for inspection  
257 or test purposes authorized by the Federal Aviation Administration to be made without the  
258 certificate of registration.

259 (2) Aircraft centrally assessed by the State Tax Commission are exempt from the state  
260 registration requirement under Subsection (1).

261 (3) Beginning on January 1, 2024, a person may not operate in this state an unmanned  
262 aircraft system or an advanced air mobility aircraft for commercial operation for which  
263 certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current  
264 certificate of registration issued by the department.

265 [~~(3) Unmanned aircraft as defined in Section 72-14-102 are exempt from the state~~  
266 ~~registration requirement under Subsection (1).]~~

267 Section 4. Section **72-10-110** is amended to read:

268 **72-10-110. Aircraft registration information requirements -- Registration fee --**  
269 **Administration -- Partial year registration.**

270 (1) All applications for aircraft registration shall contain:

271 (a) a description of the aircraft, including:

272 (i) the manufacturer or builder;

273 (ii) the Federal Aviation Administration aircraft registration number, type, year of  
274 manufacture, or if an experimental aircraft, the year the aircraft was completed and certified for  
275 air worthiness by an inspector of the Federal Aviation Administration; and

276 (iii) gross weight;

277 (b) the name and address of the owner of the aircraft; and

278 (c) where the aircraft is located, or the address where the aircraft is usually used or  
279 based.

280 (2) (a) Except as provided in Subsection (3) or (4), at the time application is made for

281 registration or renewal of registration of an aircraft under this chapter, an annual registration  
282 fee of 0.4% of the average wholesale value of the aircraft shall be paid.

283 (b) For purposes of calculating the average wholesale value of an aircraft under  
284 Subsection (2)(a) or (3)(d), the department shall use the average wholesale value as stated in  
285 the Aircraft Bluebook Price Digest.

286 (c) For an aircraft not listed in the Aircraft Bluebook Price Digest, the department shall  
287 calculate the average wholesale value of the aircraft using common industry standards.

288 (d) (i) An owner of an aircraft may challenge the department's calculation of the  
289 average wholesale value of the aircraft.

290 (ii) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
291 Administrative Rulemaking Act, to establish a process for challenging the department's  
292 calculation under Subsection (2)(d)(i).

293 (3) (a) An annual registration fee of \$100 is imposed on an aircraft that is used:

294 (i) exclusively by an entity that is exempt from federal income taxation under Section  
295 501(c)(3), Internal Revenue Code, and exempt from property taxation under Title 59, Chapter  
296 2, Property Tax Act; and

297 (ii) for the emergency transportation of medical patients for at least 95% of its flight  
298 time.

299 (b) An annual registration fee is imposed on an aircraft 60 years or older equal to the  
300 lesser of:

301 (i) \$100; or

302 (ii) the annual registration fee provided for under Subsection (2)(a).

303 (c) (i) Except as provided in Subsection (3)(c)(iii), an owner of an aircraft shall apply  
304 for a certificate of registration described in Section 72-10-109, if the aircraft:

305 (A) is in the manufacture, construction, fabrication, assembly, or repair process;

306 (B) is not complete; and

307 (C) does not have a valid airworthiness certificate.

308 (ii) An aircraft described in Subsection (3)(c)(i) is exempt from the annual registration  
309 fee described in Subsection (2)(a).

310 (iii) The registration requirement described in Subsection (3)(c)(i) does not apply to an  
311 aircraft that, in accordance with Section 59-12-104, is exempt from the taxes imposed under

312 Title 59, Chapter 12, Sales and Use Tax Act.

313 (d) An annual registration fee of .25% of the average wholesale value of the aircraft is  
314 imposed on an aircraft if the aircraft is:

315 (i) used by an air charter service for air charter; and

316 (ii) owned by a person other than the air charter service.

317 (e) The annual registration fee required in this section is due on December 31 of each  
318 year.

319 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
320 the department shall make rules to establish and administer a registration fee for an unmanned  
321 aircraft system or an advanced air mobility system registered pursuant to Subsection  
322 72-10-109(3).

323 (b) The rules made pursuant to Subsection (4)(a) regarding registration and applicable  
324 fees for an unmanned aircraft system or an advanced air mobility system may include:

325 (i) a system for classifying unmanned aircraft systems or an advanced air mobility  
326 systems;

327 (ii) technical guidance for complying with state and federal law;

328 (iii) criteria under which the department may suspend or revoke registration;

329 (iv) criteria under which the department may waive registration requirements for an

330 applicant currently holding a valid license or permit to operate unmanned aircraft systems

331 issued by another state or territory of the United States, the District of Columbia, or the United

332 States; and

333 (v) other rules regarding operation as determined by the department.

334 ~~[(4)]~~ (5) (a) The department shall provide a registration card to an owner of an aircraft  
335 if:

336 (i) the owner complies with the registration requirements of this section; and

337 (ii) the owner of the aircraft states that the aircraft has a valid airworthiness certificate.

338 (b) An owner of an aircraft shall carry the registration card in the registered aircraft.

339 ~~[(5)]~~ (6) The registration fees assessed under this chapter shall be collected by the  
340 department to be distributed as provided in Subsection ~~[(6)]~~ (7).

341 ~~[(6)]~~ (7) After deducting the costs of administering all aircraft registrations under this  
342 chapter, the department shall deposit all remaining aircraft registration fees ~~[m]~~ into the

343 Aeronautics Restricted Account created by Section 72-2-126.

344 ~~[(7)]~~ (8) Aircraft which are initially registered under this chapter for less than a full  
345 calendar year shall be charged a registration fee which is reduced in proportion to the fraction  
346 of the calendar year during which the aircraft is registered in this state.

347 ~~[(8)]~~ (9) (a) For purposes of this section, an aircraft based at the owner's airport means  
348 an aircraft that is hangared, tied down, or parked at an owner's airport for a plurality of the year.

349 (b) Semi-annually, an owner or operator of an airport open to public use, or of an  
350 airport that receives grant funding from the state, shall provide a list of all aircraft based at the  
351 owner's airport to the department.

352 ~~[(9)]~~ (10) The department shall maintain a statewide database of all aircraft based  
353 within the state.

354 ~~[(10)]~~ (11) The department may suspend or revoke a registration if the department  
355 determines that the required fee has not been paid and the fee is not paid upon reasonable  
356 notice and demand.

357 Section 5. Section **72-10-701**, which is renumbered from Section 72-14-103 is  
358 renumbered and amended to read:

359 ~~[72-14-103]~~ **72-10-701. Preemption of local ordinance -- Business licensing.**

360 (1) As used in this section, "advanced air mobility business" means a business that  
361 operates an unmanned aircraft system or an advanced air mobility system for a commercial  
362 purpose that is required to obtain a certificate pursuant to 14 C.F.R. Part 107 or 135.

363 ~~[(1)]~~ (2) A political subdivision of the state, or an entity within a political subdivision  
364 of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned  
365 aircraft or the private use of an advanced air mobility system, unless:

366 (a) authorized by this chapter; or

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

369 (i) the operation of an unmanned aircraft or an advanced air mobility system within the  
370 geographic boundaries of the airport over which the airport operator has authority; or

371 (ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an  
372 advanced air mobility system at the airport over which the airport operator has authority.

373 (3) (a) Subject to the provisions of this chapter, a political subdivision may require an

374 advanced air mobility business to obtain a business license if the advanced air mobility  
375 business does not hold a current business license in good standing from another political  
376 subdivision in the state.

377 (b) A political subdivision may only charge a licensing fee to an advanced air mobility  
378 business in an amount that reimburses the political subdivision for the actual cost of processing  
379 the business license.

380 (4) A political subdivision may not:

381 (a) require an advanced air mobility business to:

382 (i) obtain a separate business license beyond the initial business license described in  
383 Subsection (3)(a);

384 (ii) pay a fee other than the fee for the initial business license described in Subsection  
385 (3); or

386 (iii) pay a fee for each employee the advanced air mobility business employs; or

387 (b) regulate or restrict the size of an advanced air mobility business.

388 (5) A political subdivision shall recognize as valid within the political subdivision the  
389 business license of an advanced air mobility business obtained in another political subdivision  
390 within the state, if the business license is current and in good standing.

391 [(2)] (6) This chapter supersedes any law, ordinance, or rule enacted by a political  
392 subdivision of the state before July 1, [2017] 2022.

393 Section 6. Section **72-10-702**, which is renumbered from Section 72-14-104 is  
394 renumbered and amended to read:

395 ~~[72-14-104]~~ **72-10-702. Applicability.**

396 This chapter does not apply to a person or business entity:

397 (1) using an unmanned aircraft for legitimate educational or business purposes; and

398 (2) operating the unmanned aircraft system in a manner consistent with applicable

399 Federal Aviation Administration rules, exemptions, or other authorizations.

400 Section 7. Section **72-10-801**, which is renumbered from Section 72-14-201 is  
401 renumbered and amended to read:

402 ~~[72-14-201]~~ **72-10-801. Title.**

403 This part is known as "Law Enforcement Use of Unmanned Aircraft."

404 Section 8. Section **72-10-802**, which is renumbered from Section 72-14-202 is

405 renumbered and amended to read:

406 ~~[72-14-202]~~ 72-10-802. **Definitions.**

407 As used in this part:

408 (1) "Civilian" means a person that is not a law enforcement officer.

409 (2) "Law enforcement agency" means the same as that term is defined in Section  
410 53-3-102.

411 (3) "Law enforcement officer" means the same as that term is defined in Section  
412 53-13-103.

413 (4) "Target" means a person upon whom, or an object, structure, or area upon which,  
414 another person:

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

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

419 Section 9. Section **72-10-803**, which is renumbered from Section 72-14-203 is  
420 renumbered and amended to read:

421 ~~[72-14-203]~~ 72-10-803. **Unmanned aircraft system use requirements --**

422 **Exceptions.**

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

425 (a) pursuant to a search warrant;

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

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

428 (d) to locate a lost or missing person in an area in which a person has no reasonable  
429 expectation of privacy; or

430 (e) for purposes unrelated to a criminal investigation.

431 (2) A law enforcement officer or agency may only use for law enforcement purposes  
432 data obtained from a nongovernment actor if:

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

434 (b) the law enforcement agency or officer believes, in good faith, that:

435 (i) the data pertains to an imminent or ongoing emergency involving danger of death or

436 serious bodily injury to an individual; and

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

438 (3) A law enforcement agency or officer that obtains, receives, or uses data acquired  
439 through the use of an unmanned aircraft system or through Subsection (2) shall destroy the data  
440 as soon as reasonably possible after the law enforcement agency or officer obtains, receives, or  
441 uses the data subject to an applicable retention schedule under Title 63G, Chapter 2,  
442 Government Records Access and Management Act, or a federal, state, or local law.

443 (4) This section applies to any imaging surveillance device, as defined in Section  
444 77-23d-102, when used in conjunction with an unmanned aircraft system.

445 Section 10. Section **72-10-804**, which is renumbered from Section 72-14-204 is  
446 renumbered and amended to read:

447 ~~[72-14-204]~~ **72-10-804. Data retention.**

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

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

451 (b) in accordance with applicable federal, state, and local laws, shall ensure that data  
452 described in Subsection (1)(a) is destroyed as soon as reasonably possible after the law  
453 enforcement agency collects or receives the data.

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

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

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

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

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

459 (i) through a court order that:

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

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

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

463 (c) (i) the data was collected inadvertently; and

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

465 (d) (i) the law enforcement agency reasonably determines that the data pertains to an  
466 emergency situation; and

467 (ii) using or disclosing the data would assist in remedying the emergency; or  
468 (e) the data was collected through the operation of an unmanned aircraft system over  
469 public lands outside of municipal boundaries.

470 Section 11. Section **72-10-805**, which is renumbered from Section 72-14-205 is  
471 renumbered and amended to read:

472 **~~[72-14-205]~~ 72-10-805. Reporting.**

473 (1) As used in this section, "law enforcement encounter" means the same as that term is  
474 defined in Section 77-7a-103.

475 (2) A law enforcement officer or agency that operates an unmanned aircraft system  
476 while on duty or acting in the law enforcement officer's or agency's official capacity, or obtains  
477 or receives data in accordance with Section ~~[72-14-203]~~ 72-10-803, shall document the  
478 following in any report or other official record of the law enforcement encounter:

- 479 (a) the presence and use of the unmanned aircraft;  
480 (b) any data acquired; and  
481 (c) if applicable, the person from whom data was received in accordance with  
482 Subsection ~~[72-14-203(2)]~~ 72-10-803(2).

483 Section 12. Section **72-10-901**, which is renumbered from Section 72-14-301 is  
484 renumbered and amended to read:

485 **~~[72-14-301]~~ 72-10-901. Title.**

486 This part is known as "Unlawful Use of Unmanned Aircraft."

487 Section 13. Section **72-10-902**, which is renumbered from Section 72-14-302 is  
488 renumbered and amended to read:

489 **~~[72-14-302]~~ 72-10-902. Definitions.**

490 ~~[Reserved.]~~ As used in this part, "weapon" means:

- 491 (1) a firearm as that term is defined in Section 76-10-501; or  
492 (2) an object that in the manner of the object's use or intended use is capable of causing  
493 death, bodily injury, or damage to property, as determined according to the following factors:  
494 (a) the location and circumstances in which the object is used or possessed;  
495 (b) the primary purpose for which the object is made;  
496 (c) the character of the damage, if any, the object is likely to cause;  
497 (d) the manner in which the object is used;

498 (e) whether the manner in which the object is used or possessed constitutes a potential  
 499 imminent threat to public safety; and

500 (f) the lawful purposes for which the object may be used.

501 Section 14. Section **72-10-903**, which is renumbered from Section 72-14-303 is  
 502 renumbered and amended to read:

503 ~~[72-14-303]~~ **72-10-903. Weapon attached to unmanned aircraft -- Penalties.**

504 ~~[(1) As used in this section "weapon" means:]~~

505 ~~[(a) a firearm as described in Section 76-10-501; or]~~

506 ~~[(b) an object that in the manner of the object's use or intended use is capable of~~  
 507 ~~causing death, bodily injury, or damage to property, as determined according to the following~~  
 508 ~~factors:]~~

509 ~~[(i) the location and circumstances in which the object is used or possessed;]~~

510 ~~[(ii) the primary purpose for which the object is made;]~~

511 ~~[(iii) the character of the damage, if any, the object is likely to cause;]~~

512 ~~[(iv) the manner in which the object is used;]~~

513 ~~[(v) whether the manner in which the object is used or possessed constitutes a potential~~  
 514 ~~imminent threat to public safety; and]~~

515 ~~[(vi) the lawful purposes for which the object may be used.]~~

516 ~~[(2)]~~ (1) (a) Except as provided in Subsection ~~[(3)]~~; (2), a person may not fly an  
 517 unmanned aircraft that carries a weapon or to which a weapon is attached.

518 (b) A person that violates Subsection ~~[(2)(a)]~~ (1)(a) is guilty of a class B misdemeanor.

519 ~~[(3)]~~ (2) A person may fly an unmanned aircraft that carries a weapon or to which a  
 520 weapon is attached if the person:

521 (a) (i) obtains a certificate of authorization, or other written approval, from the Federal  
 522 Aviation Administration authorizing the person to fly the unmanned aircraft that carries the  
 523 weapon or to which the weapon is attached; and

524 (ii) operates the unmanned aircraft in accordance with the certificate of authorization or  
 525 other written approval;

526 (b) (i) obtains a contract with the state or the federal government permitting the person  
 527 to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and

528 (ii) operates the unmanned aircraft in accordance with the contract; or

529 (c) operates the unmanned aircraft that carries the weapon or to which the weapon is  
530 attached in airspace controlled by the United States Department of Defense, with the  
531 permission of the United States Department of Defense.

532 Section 15. Section **72-10-1001**, which is renumbered from Section 72-14-401 is  
533 renumbered and amended to read:

534 ~~[72-14-401]~~ **72-10-1001**. **Title.**

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

536 Section 16. Section **72-10-1002**, which is renumbered from Section 72-14-402 is  
537 renumbered and amended to read:

538 ~~[72-14-402]~~ **72-10-1002**. **Reserved.**

539 Reserved.

540 Section 17. Section **72-10-1003**, which is renumbered from Section 72-14-403 is  
541 renumbered and amended to read:

542 ~~[72-14-403]~~ **72-10-1003**. **Safe operation of unmanned aircraft.**

543 (1) An individual who operates an unmanned aircraft system to fly an unmanned  
544 aircraft for recreational purposes shall comply with this section or 14 C.F.R. Sec. 101, Subpart  
545 E.

546 (2) An individual operating an unmanned aircraft shall:

547 (a) maintain visual line of sight of the unmanned aircraft in order to:

548 (i) know the location of the unmanned aircraft;

549 (ii) determine the attitude, altitude, and direction of flight;

550 (iii) observe the airspace for other air traffic or hazards; and

551 (iv) determine that the unmanned aircraft does not endanger the life or property of  
552 another person;

553 (b) ensure that the ability described in Subsection (2)(a)(i) is exercised by either:

554 (i) the operator of the unmanned aircraft; or

555 (ii) a visual observer.

556 (3) An individual may not operate an unmanned aircraft in Class B, Class C, or Class  
557 D airspace or within the lateral boundaries of the surface area of Class E airspace designated  
558 for an airport unless the operator of the unmanned aircraft has prior authorization from air  
559 traffic control.

560 (4) An individual may not operate an unmanned aircraft in a manner that interferes  
561 with operations and traffic patterns at any airport, heliport, or seaplane base.

562 (5) An individual may not operate an unmanned aircraft system:

563 (a) from a public transit rail platform or station; or

564 (b) (i) under a height of 50 feet within a public transit fixed guideway right-of-way;

565 and

566 (ii) directly above any overhead electric lines used to power a public transit rail

567 vehicle.

568 (6) An individual may not operate an unmanned aircraft in violation of a notice to  
569 airmen described in 14 C.F.R. Sec. 107.47.

570 (7) An individual may not operate an unmanned aircraft at an altitude that is higher  
571 than 400 feet above ground level unless the unmanned aircraft:

572 (a) is flown within a 400-foot radius of a structure; and

573 (b) does not fly higher than 400 feet above the structure's immediate uppermost limit.

574 (8) (a) An individual who violates this section is liable for any damages that may result  
575 from the violation.

576 (b) A law enforcement officer shall issue a written warning to an individual who  
577 violates this section who has not previously received a written warning for a violation of this  
578 section.

579 (c) Except as provided in Subsection (8)(d), an individual who violates this section  
580 after receiving a written warning for a previous violation of this section is guilty of an  
581 infraction.

582 (d) An individual who violates this section is guilty of a class B misdemeanor for each  
583 conviction of a violation of this section after the individual is convicted of an infraction or a  
584 misdemeanor for a previous violation of this section.

585 Section 18. Section **76-2-106** is amended to read:

586 **76-2-106. Commission of offense with aid of unmanned aircraft system.**

587 (1) As used in this section:

588 (a) "Unmanned aircraft" means the same as that term is defined in Section [~~72-14-102~~]

589 72-10-102.

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

591 [~~72-14-102~~] 72-10-102.

592 (2) An actor may be found guilty of an offense if:

593 (a) the actor commits the offense with the aid of an unmanned aircraft; and

594 (b) the unmanned aircraft system for the unmanned aircraft is under the actor's control

595 at the time of the offense.

596 Section 19. Section **76-9-308** is amended to read:

597 **76-9-308. Harassment of livestock.**

598 (1) As used in this section:

599 (a) "Livestock" has the same meaning as that term is defined in Subsection

600 76-9-301(1).

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

602 [~~72-14-102~~] 72-10-102.

603 (2) Except as provided in Subsection (3), a person is guilty of harassment of livestock

604 if the person intentionally, knowingly, or recklessly chases, with the intent of causing distress,

605 or harms livestock through the use of:

606 (a) a motorized vehicle or all-terrain vehicle;

607 (b) a dog; or

608 (c) an unmanned aircraft system.

609 (3) A person is not guilty of harassment of livestock if:

610 (a) the person is:

611 (i) the owner of the livestock;

612 (ii) an employee or agent of the owner, or otherwise acting under the owner's general

613 direction or with the owner's permission;

614 (iii) acting in an emergency situation to prevent damage to the livestock or property; or

615 (iv) an employee or agent of the state or a political subdivision and acting in the

616 employee or agent's official capacity; or

617 (b) the action is in line with generally accepted animal husbandry practices.

618 (4) A person who violates this section is guilty of:

619 (a) a class B misdemeanor if the violation is a first offense and:

620 (i) no livestock is seriously injured or killed as a result of the person's actions; or

621 (ii) the person's actions cause the livestock to be displaced onto property where the

622 livestock is not legally entitled to be; and

623 (b) a class A misdemeanor if:

624 (i) the person has previously been convicted of harassment of livestock under this  
625 section;

626 (ii) livestock is seriously injured or killed as a result of the person's actions; or

627 (iii) livestock or property suffered damage in excess of \$1,000, including money spent  
628 in recovering the livestock, as a result of the person's actions.

629 Section 20. **Repealer.**

630 This bill repeals:

631 Section **72-14-101, Title.**

632 Section **72-14-102, Definitions.**