

Effective 5/9/2017

**Chapter 14
Unmanned Aircraft -- Drones**

**Part 1
General Provisions**

72-14-101 Title.

This chapter is known as "Unmanned Aircraft -- Drones."

Renumbered and Amended by Chapter 364, 2017 General Session

72-14-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Advanced air mobility system" means a system that transports individuals and property using piloted and unpiloted aircraft, including electric aircraft and electric vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.
 - (b) "Advanced air mobility system" includes each component of a system described in Subsection (1)(a), including:
 - (i) the aircraft, including payload;
 - (ii) communications equipment;
 - (iii) navigation equipment;
 - (iv) controllers;
 - (v) support equipment; and
 - (vi) remote and autonomous functions.
- (2) "Airport" means the same as that term is defined in Section 72-10-102.
- (3) "Airport operator" means the same as that term is defined in Section 72-10-102.
- (4) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- (5) "Unmanned aircraft" means an aircraft that is:
 - (a) capable of sustaining flight; and
 - (b) operated with no possible direct human intervention from on or within the aircraft.
- (6) "Unmanned aircraft system" means the entire system used to operate an unmanned aircraft, including:
 - (a) the unmanned aircraft, including payload;
 - (b) communications equipment;
 - (c) navigation equipment;
 - (d) controllers;
 - (e) support equipment; and
 - (f) autopilot functionality.

Amended by Chapter 99, 2022 General Session

72-14-103 Preemption of local ordinance.

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

- (a) authorized by this chapter; or
- (b) the political subdivision or entity is an airport operator that enacts the law, rule, or ordinance to govern:
 - (i) the operation of an unmanned aircraft or an advanced air mobility system within the geographic boundaries of the airport over which the airport operator has authority; or
 - (ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an advanced air mobility system at the airport over which the airport operator has authority.
- (2) This chapter supersedes any law, ordinance, or rule enacted by a political subdivision of the state before July 1, 2017.

Amended by Chapter 99, 2022 General Session

72-14-104 Applicability.

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

- (1) using an unmanned aircraft for legitimate educational or business purposes; and
- (2) operating the unmanned aircraft system in a manner consistent with applicable Federal Aviation Administration rules, exemptions, or other authorizations.

Enacted by Chapter 364, 2017 General Session

Part 2
Law Enforcement Use of Unmanned Aircraft

72-14-201 Title.

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

Enacted by Chapter 364, 2017 General Session

72-14-202 Definitions.

As used in this part:

- (1) "Civilian" means a person that is not a law enforcement officer.
- (2) "Law enforcement agency" means the same as that term is defined in Section 53-3-102.
- (3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (4) "Target" means a person upon whom, or an object, structure, or area upon which, another person:
 - (a) has intentionally collected or attempted to collect information through the operation of an unmanned aircraft system; or
 - (b) intends to collect or to attempt to collect information through the operation of an unmanned aircraft system.

Enacted by Chapter 364, 2017 General Session

72-14-203 Unmanned aircraft system use requirements -- Exceptions.

- (1) A law enforcement agency or officer may not obtain, receive, or use data acquired through an unmanned aircraft system unless the data is obtained:
 - (a) pursuant to a search warrant;

- (b) in accordance with judicially recognized exceptions to warrant requirements;
 - (c) subject to Subsection (2), from a person who is a nongovernment actor;
 - (d) to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy; or
 - (e) for purposes unrelated to a criminal investigation.
- (2) A law enforcement officer or agency may only use for law enforcement purposes data obtained from a nongovernment actor if:
- (a) the data appears to pertain to the commission of a crime; or
 - (b) the law enforcement agency or officer believes, in good faith, that:
 - (i) the data pertains to an imminent or ongoing emergency involving danger of death or serious bodily injury to an individual; and
 - (ii) disclosing the data would assist in remedying the emergency.
- (3) A law enforcement agency or officer that obtains, receives, or uses data acquired through the use of an unmanned aircraft system or through Subsection (2) shall destroy the data as soon as reasonably possible after the law enforcement agency or officer obtains, receives, or uses the data subject to an applicable retention schedule under Title 63G, Chapter 2, Government Records Access and Management Act, or a federal, state, or local law.
- (4) This section applies to any imaging surveillance device, as defined in Section 77-23d-102, when used in conjunction with an unmanned aircraft system.

Amended by Chapter 64, 2022 General Session

72-14-204 Data retention.

- (1) Except as provided in this section, a law enforcement agency:
- (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a person, structure, or area that is not a target; and
 - (b) in accordance with applicable federal, state, and local laws, shall ensure that data described in Subsection (1)(a) is destroyed as soon as reasonably possible after the law enforcement agency collects or receives the data.
- (2) A law enforcement agency is not required to comply with Subsection (1) if:
- (a) deleting the data would also require the deletion of data that:
 - (i) relates to the target of the operation; and
 - (ii) is requisite for the success of the operation;
 - (b) the law enforcement agency receives the data:
 - (i) through a court order that:
 - (A) requires a person to release the data to the law enforcement agency; or
 - (B) prohibits the destruction of the data; or
 - (ii) from a person who is a nongovernment actor;
 - (c)
 - (i) the data was collected inadvertently; and
 - (ii) the data appears to pertain to the commission of a crime;
 - (d)
 - (i) the law enforcement agency reasonably determines that the data pertains to an emergency situation; and
 - (ii) using or disclosing the data would assist in remedying the emergency; or
 - (e) the data was collected through the operation of an unmanned aircraft system over public lands outside of municipal boundaries.

Renumbered and Amended by Chapter 364, 2017 General Session

72-14-205 Reporting.

- (1) As used in this section, "law enforcement encounter" means the same as that term is defined in Section 77-7a-103.
- (2) A law enforcement officer or agency that operates an unmanned aircraft system while on duty or acting in the law enforcement officer's or agency's official capacity, or obtains or receives data in accordance with Section 72-14-203, shall document the following in any report or other official record of the law enforcement encounter:
 - (a) the presence and use of the unmanned aircraft;
 - (b) any data acquired; and
 - (c) if applicable, the person from whom data was received in accordance with Subsection 72-14-203(2).

Enacted by Chapter 364, 2017 General Session

Part 3
Unlawful Use of Unmanned Aircraft

72-14-301 Title.

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

Enacted by Chapter 364, 2017 General Session

72-14-302 Reserved.

Reserved.

Enacted by Chapter 364, 2017 General Session

72-14-303 Weapon attached to unmanned aircraft -- Penalties.

- (1) As used in this section "weapon" means:
 - (a) a firearm as described in Section 76-10-501; or
 - (b) an object that in the manner of the object's use or intended use is capable of causing death, bodily injury, or damage to property, as determined according to the following factors:
 - (i) the location and circumstances in which the object is used or possessed;
 - (ii) the primary purpose for which the object is made;
 - (iii) the character of the damage, if any, the object is likely to cause;
 - (iv) the manner in which the object is used;
 - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
 - (vi) the lawful purposes for which the object may be used.
- (2)
 - (a) Except as provided in Subsection (3), a person may not fly an unmanned aircraft that carries a weapon or to which a weapon is attached.
 - (b) A person that violates Subsection (2)(a) is guilty of a class B misdemeanor.

- (3) A person may fly an unmanned aircraft that carries a weapon or to which a weapon is attached if the person:
- (a)
 - (i) obtains a certificate of authorization, or other written approval, from the Federal Aviation Administration authorizing the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
 - (ii) operates the unmanned aircraft in accordance with the certificate of authorization or other written approval;
 - (b)
 - (i) obtains a contract with the state or the federal government permitting the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
 - (ii) operates the unmanned aircraft in accordance with the contract; or
 - (c) operates the unmanned aircraft that carries the weapon or to which the weapon is attached in airspace controlled by the United States Department of Defense, with the permission of the United States Department of Defense.

Enacted by Chapter 364, 2017 General Session

72-14-304 Unlawful operation of unmanned aircraft near prison facilities -- Penalties.

- (1) An individual may not operate an unmanned aircraft system:
- (a) to carry or drop any item to or inside the property of a correctional facility; or
 - (b) in a manner that interferes with the operations or security of a correctional facility.
- (2)
- (a) A violation of Subsection (1)(a) is a third degree felony.
 - (b) A violation of Subsection (1)(b) is a class B misdemeanor.
- (3) An operator of an unmanned aircraft system does not violate Subsection (1) if the operator is:
- (a) an employee or contractor working on behalf of a mosquito abatement district created pursuant to Title 17B, Limited Purpose Local Government Entities - Local Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities; and
 - (b) acting in the course and scope of the operator's employment.

Enacted by Chapter 40, 2018 General Session

Part 4
Safe Use of Unmanned Aircraft

72-14-401 Title.

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

Enacted by Chapter 364, 2017 General Session

72-14-402 Reserved.

Reserved.

Enacted by Chapter 364, 2017 General Session

72-14-403 Safe operation of unmanned aircraft.

- (1) An individual who operates an unmanned aircraft system to fly an unmanned aircraft for recreational purposes shall comply with this section or 14 C.F.R. Sec. 101, Subpart E.
- (2) An individual operating an unmanned aircraft shall:
 - (a) maintain visual line of sight of the unmanned aircraft in order to:
 - (i) know the location of the unmanned aircraft;
 - (ii) determine the attitude, altitude, and direction of flight;
 - (iii) observe the airspace for other air traffic or hazards; and
 - (iv) determine that the unmanned aircraft does not endanger the life or property of another person;
 - (b) ensure that the ability described in Subsection (2)(a)(i) is exercised by either:
 - (i) the operator of the unmanned aircraft; or
 - (ii) a visual observer.
- (3) An individual may not operate an unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless the operator of the unmanned aircraft has prior authorization from air traffic control.
- (4) An individual may not operate an unmanned aircraft in a manner that interferes with operations and traffic patterns at any airport, heliport, or seaplane base.
- (5) An individual may not operate an unmanned aircraft system:
 - (a) from a public transit rail platform or station; or
 - (b)
 - (i) under a height of 50 feet within a public transit fixed guideway right-of-way; and
 - (ii) directly above any overhead electric lines used to power a public transit rail vehicle.
- (6) An individual may not operate an unmanned aircraft in violation of a notice to airmen described in 14 C.F.R. Sec. 107.47.
- (7) An individual may not operate an unmanned aircraft at an altitude that is higher than 400 feet above ground level unless the unmanned aircraft:
 - (a) is flown within a 400-foot radius of a structure; and
 - (b) does not fly higher than 400 feet above the structure's immediate uppermost limit.
- (8)
 - (a) An individual who violates this section is liable for any damages that may result from the violation.
 - (b) A law enforcement officer shall issue a written warning to an individual who violates this section who has not previously received a written warning for a violation of this section.
 - (c) Except as provided in Subsection (8)(d), an individual who violates this section after receiving a written warning for a previous violation of this section is guilty of an infraction.
 - (d) An individual who violates this section is guilty of a class B misdemeanor for each conviction of a violation of this section after the individual is convicted of an infraction or a misdemeanor for a previous violation of this section.

Enacted by Chapter 364, 2017 General Session