

Representative Kraig Powell proposes the following substitute bill:

UNMANNED AIRCRAFT REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill addresses the use of unmanned aircraft within a specified distance of a wildland fire.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ subject to certain exceptions, prohibits an individual from flying an unmanned aircraft within a specified distance of a wildland fire; and
- ▶ provides criminal penalties for certain violations of the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

65A-3-2.5, Utah Code Annotated 1953

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



26 Section 1. Section **65A-3-2.5** is enacted to read:

27 **65A-3-2.5. Wildland fire and unmanned aircraft.**

28 (1) As used in this section:

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

31 (b) "Incident commander" means the government official or employee in command of
32 the response to a wildland fire.

33 (c) "Sanctioned entity" includes a person that oversees, is employed by, or is working
34 under the direction of:

35 (i) a government entity;

36 (ii) a telecommunications provider;

37 (iii) a utility provider;

38 (iv) the owner or operator of a pipeline;

39 (v) an insurance provider;

40 (vi) a resource extraction entity;

41 (vii) news media; or

42 (viii) a person similar to a person described in Subsections (1)(c)(i) through (vii).

43 (d) "Unmanned aircraft" means an aircraft that is:

44 (i) capable of sustaining flight; and

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

46 (e) "Unmanned aircraft system" means the entire system used to operate an unmanned
47 aircraft, including:

48 (i) the unmanned aircraft;

49 (ii) communications equipment;

50 (iii) navigation equipment;

51 (iv) controllers;

52 (v) support equipment; and

53 (vi) autopilot functionality.

54 (2) A person may not operate an unmanned aircraft system in a manner that causes an
55 unmanned aircraft to fly within three miles of an uncontrolled wildland fire, unless the person
56 operates the unmanned aircraft system with the permission of, and in accordance with the

57 restrictions established by, the incident commander.

58 (3) A person, other than a government official or a government employee acting within
 59 the person's capacity as a government official or government employee, that ~~H→~~ **recklessly** ~~←H~~
 59a violates

60 Subsection (2) is guilty of:

61 (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor ~~H→~~ [~~if the~~
 62 ~~person violates Subsection (2) recklessly~~] ~~←H~~ ;

63 (b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, if the
 64 operation of the unmanned aircraft system causes an aircraft being used to contain or control a
 65 wildland fire to:

66 (i) drop a payload of water or fire retardant in a location other than the location
 67 originally designated for the aircraft to drop the payload; or

68 (ii) land without dropping a payload of water or fire retardant in the location originally
 69 designated for the aircraft to drop the payload;

70 (c) except as provided in Subsection (3)(d), a third degree felony, if the operation of the
 71 unmanned aircraft system causes the unmanned aircraft to come into direct physical contact
 72 with a manned aircraft; or

73 (d) a second degree felony if the operation of the unmanned aircraft is the proximate
 74 cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.

75 (4) The incident commander of a wildland fire shall grant reasonable access to the area
 76 of, and within three miles of, the wildland fire to a sanctioned entity if:

77 (a) the access is for a purpose related to the responsibilities or business of the
 78 sanctioned entity; and

79 (b) the access can be granted, with reasonable restrictions, without imposing a safety
 80 risk or impairing efforts to control the wildland fire.