

1 **UNMANNED AIRCRAFT REVISIONS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits an individual from flying an unmanned aircraft within a specified  
10 distance of a wildland fire.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms; and  
14 ▶ prohibits an individual from flying an unmanned aircraft within a specified distance  
15 of a wildland fire.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **65A-3-2.5**, Utah Code Annotated 1953

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

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

26 **65A-3-2.5. Wildland fire and unmanned aircraft.**

27 (1) As used in this section:



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

30           (b) "Law enforcement agency" means the same as that term is defined in Section  
31 63G-18-102.

32           (c) "Public operator" means a person who operates an unmanned aircraft system as an  
33 employee of, or at the direction of, an agency, department, division, or other entity within:

34           (i) state government; or

35           (ii) a political subdivision of the state.

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

37           (i) capable of sustaining flight; and

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

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

41           (i) the unmanned aircraft;

42           (ii) communications equipment;

43           (iii) navigation equipment;

44           (iv) controllers;

45           (v) support equipment; and

46           (vi) autopilot functionality.

47           (2) A person may not operate an unmanned aircraft system in a manner that causes an  
48 unmanned aircraft to fly within three miles of a wildland fire, unless:

49           (a) (i) the person is a public operator;

50           (ii) the person is operating the unmanned aircraft system in response to an emergency;

51 and

52           (iii) the operation is conducted under the direction of the governmental entity  
53 managing the response to the wildland fire; or

54           (b) (i) the person is a law enforcement agency that operates the unmanned aircraft in  
55 accordance with Section 63G-18-103; and

56           (ii) the law enforcement agency described in Subsection (2)(b)(i) gives prior notice of  
57 the operation to the governmental entity managing the response to the wildland fire.

58           (3) A person that violates Subsection (2)(a) or (b)(i) is guilty of:

- 59           (a) a class B misdemeanor;  
60           (b) a class A misdemeanor, if the operation of the unmanned aircraft system causes an  
61 aircraft being used to contain or control a wildland fire to:  
62           (i) drop a payload of water or fire retardant in a location other than the location  
63 originally designated for the aircraft to drop the payload; or  
64           (ii) land without dropping a payload of water or fire retardant in the location originally  
65 designated for the aircraft to drop the payload;  
66           (c) a third degree felony, if the operation of the unmanned aircraft system causes the  
67 unmanned aircraft to come into direct physical contact with a manned aircraft; or  
68           (d) a second degree felony if the operation of the unmanned aircraft is the proximate  
69 cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.
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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**