

HB0126S01 compared with HB0126

~~deleted text~~ shows text that was in HB0126 but was deleted in HB0126S01.

inserted text shows text that was not in HB0126 but was inserted into HB0126S01.

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Representative Kraig Powell proposes the following substitute bill:

UNMANNED AIRCRAFT REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~prohibits an individual from flying an~~ addresses the use of unmanned aircraft within a specified distance of a wildland fire.

Highlighted Provisions:

This bill:

- ▶ defines terms; ~~and~~
- ▶ 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:

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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:

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

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

(1) As used in this section:

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

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

~~—— (c) "Public operator" means a person who operates an unmanned aircraft system as an employee of, or at~~ Incident commander" means the government official or employee in command of the response to a wildland fire.

(c) "Sanctioned entity" includes a person that oversees, is employed by, or is working under the direction of~~{, an agency, department, division, or other entity within}~~:

(i) ~~{state} a government~~~~}; or~~

~~—— (ii) a political subdivision of the state~~ entity;

(ii) a telecommunications provider;

(iii) a utility provider;

(iv) the owner or operator of a pipeline;

(v) an insurance provider;

(vi) a resource extraction entity;

(vii) news media; or

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

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

(i) capable of sustaining flight; and

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

(e) "Unmanned aircraft system" means the entire system used to operate an unmanned

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aircraft, including:

- (i) the unmanned aircraft;
- (ii) communications equipment;
- (iii) navigation equipment;
- (iv) controllers;
- (v) support equipment; and
- (vi) autopilot functionality.

(2) A person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within three miles of ~~{a}~~ an uncontrolled wildland fire, unless ~~;~~

~~—— (a) (i) the person is a public operator;~~

~~—— (ii) the person is operating} the person operates the unmanned aircraft system {in response to an emergency; and~~

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

~~—— (b) (i) the person is a law enforcement agency that operates the unmanned aircraft {with the permission of, and in accordance with {Section 63G-18-103; and~~

~~—— (ii) the law enforcement agency described in Subsection (2)(b)(i) gives prior notice of the operation to the governmental entity managing } the {response to} restrictions established by, the {wildland fire} incident commander.~~

(3) A person, other than a government official or a government employee acting within the person's capacity as a government official or government employee, that violates

Subsection (2) ~~{(a) or (b)(i)}~~ is guilty of:

(a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor, if the person violates Subsection (2) recklessly;

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

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

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

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

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

†

Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (4) The incident commander of a wildland fire shall grant reasonable access to the area of, and within three miles of, the wildland fire to a sanctioned entity if:

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

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