

Senator Kevin T. Van Tassell 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 an unmanned aircraft in relation to a wildland fire.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ subject to certain exceptions, prohibits an individual from flying an unmanned aircraft within certain areas relating to 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:

AMENDS:

63G-18-101, as last amended by Laws of Utah 2015, Chapter 269

ENACTS:

65A-3-2.5, Utah Code Annotated 1953



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

27 Section 1. Section **63G-18-101** is amended to read:

28 **CHAPTER 18. UNMANNED AIRCRAFT -- DRONES**

29 **63G-18-101. Title.**

30 This chapter is known as [~~the "Government Use of Unmanned Aircraft Systems Act."~~]
31 "Unmanned Aircraft -- Drones."

32 Section 2. Section **65A-3-2.5** is enacted to read:

33 **65A-3-2.5. Wildland fire and unmanned aircraft.**

34 (1) As used in this section:

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

37 (b) "Sanctioned entity" includes a person that oversees, is employed by, or is working
38 under the direction of:

39 (i) a government entity;

40 (ii) a telecommunications provider;

41 (iii) a utility provider;

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

43 (v) an insurance provider;

44 (vi) a resource extraction entity;

45 (vii) news media;

46 (viii) a person that operates an unmanned aircraft system under a certificate of waiver,
47 a certificate of authorization, or any other grant of authority obtained from the Federal Aviation
48 Administration that expressly authorizes operation of the unmanned aircraft system; or

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

50 (c) "Unmanned aircraft" means an aircraft that is:

51 (i) capable of sustaining flight; and

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

53 (d) "Unmanned aircraft system" means the entire system used to operate an unmanned
54 aircraft, including:

55 (i) the unmanned aircraft;

56 (ii) communications equipment;

57 (iii) navigation equipment;

58 (iv) controllers;

59 (v) support equipment; and

60 (vi) autopilot functionality.

61 (2) A person may not operate an unmanned aircraft system within an area that is under
62 a temporary flight restriction that is issued by the Federal Aviation Administration as a result of
63 the wildland fire, or an area designated as a wildland fire scene on a system managed by a
64 federal, state, or local government entity that disseminates emergency information to the
65 public, unless the person operates the unmanned aircraft system with the permission of, and in
66 accordance with the restrictions established by, the incident commander.

67 (3) A person, other than a government official or a government employee acting within
68 the person's capacity as a government official or government employee, that recklessly operates
69 an unmanned aircraft within an area described in Subsection (2) is guilty of:

70 (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor;

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

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

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

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

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

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

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

87 (b) the access can be granted, with reasonable restrictions, without imposing a safety

88 risk or impairing efforts to control the wildland fire.

89 (5) A political subdivision of the state, or an entity within a political subdivision of the
90 state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft
91 in relation to a wildland fire.