

HB0126S03 compared with HB0126S02

~~text~~ shows text that was in HB0126S02 but was deleted in HB0126S03.

inserted text shows text that was not in HB0126S02 but was inserted into HB0126S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator ~~Alvin B.~~ Kevin T. ~~Jackson~~ 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 ~~within a specified distance of~~ 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 ~~a specified distance of~~ 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:

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None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

~~{ **63G-18-106**, Utah Code Annotated 1953~~

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

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

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

CHAPTER 18. UNMANNED AIRCRAFT -- DRONES

63G-18-101. Title.

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

Section 2. Section ~~{**63G-18-106**}~~**65A-3-2.5** is enacted to read:

~~{ **63G-18-106. Preemption of local law.**~~

~~—— (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.~~

~~—— (2) This chapter supersedes any law, ordinance, or rule enacted by a political subdivision of the state.~~

~~—— Section 3. 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) "Incident commander" means the government official or employee in command of the response to a wildland fire.

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

(i) a government entity;

(ii) a telecommunications provider;

(iii) a utility provider;

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(iv) the owner or operator of a pipeline;

(v) an insurance provider;

(vi) a resource extraction entity;

(vii) news media; ~~or~~

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

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

(c) "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.

(d) "Unmanned aircraft system" means the entire system used to operate an unmanned 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 interferes with efforts to control a wildland fire,}~~ within an area that is under a temporary flight restriction that is issued by the Federal Aviation Administration as a result of the wildland fire, or an area designated as a wildland fire scene on a system managed by a federal, state, or local government entity that disseminates emergency information to the public, unless the person operates the unmanned aircraft system with the permission of, and in accordance with the restrictions established by, the 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 recklessly ~~{violates}~~ operates an unmanned aircraft within an area described in Subsection (2) is guilty of:

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

(b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, if the

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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;

(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.

(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.

(5) 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 in relation to a wildland fire.