

Representative Robert M. Spendlove proposes the following substitute bill:

UNMANNED VEHICLE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David E. Lifferth

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill permits a public safety official to neutralize an unmanned aircraft that interferes with a response to certain emergencies.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ permits a public safety official to neutralize an unmanned aircraft that interferes with a response to certain emergencies.

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

63G-18-102, as last amended by Laws of Utah 2015, Chapter 269

ENACTS:

63G-18-106, Utah Code Annotated 1953



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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-18-102** is amended to read:

63G-18-102. Definitions.

As used in this chapter:

(1) "Acute emergency" means a fire, a flood, extreme weather, a missing person situation, or a natural or man-made disaster:

(a) that is expected to present an imminent threat to life or property, or to public health, safety, or welfare for more than 24 hours; and

(b) (i) for which the Federal Aviation Administration designates a temporary flight restriction; or

(ii) which receives designation as an emergency on a system managed by a federal, state, or local government entity that disseminates emergency information to the public.

~~[(+)]~~ (2) "Law enforcement agency" means an entity of the state or an entity of a political subdivision of the state, including an entity of a state institution of higher education, that exists primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.

(3) "Neutralize" means to force the termination of the operation of an unmanned aircraft by:

(a) disabling or damaging the unmanned aircraft;

(b) interfering with any portion of the unmanned aircraft system associated with the unmanned aircraft; or

(c) otherwise taking control of the unmanned aircraft or the unmanned aircraft system associated with the unmanned aircraft.

~~[(2)]~~ (4) "Nongovernment actor" means a person that is not:

(a) an agency, department, division, or other entity within state government;

57 (b) a person employed by or otherwise acting in an official capacity on behalf of the
58 state;

59 (c) a political subdivision of the state; or

60 (d) a person employed by or otherwise acting in an official capacity on behalf of a
61 political subdivision of the state.

62 (5) "Public safety official" means:

63 (a) a sworn and certified peace officer; or

64 (b) a firefighter who is:

65 (i) a member of a fire department or another public organization that provides fire
66 suppression service; and

67 (ii) authorized by the department or a public organization described in Subsection
68 (5)(b)(i) to neutralize an unmanned aircraft.

69 ~~[(3)]~~ (6) "Target" means a person upon whom, or a structure or area upon which, a
70 person:

71 (a) has intentionally collected or attempted to collect information through the operation
72 of an unmanned aircraft system; or

73 (b) plans to collect or attempt to collect information through the operation of an
74 unmanned aircraft system.

75 ~~[(4)]~~ (7) "Testing site" means an area that:

76 (a) has boundaries that are clearly identified using GPS coordinates;

77 (b) a law enforcement agency identifies in writing to the Department of Public Safety,
78 including the boundaries identified under Subsection (4)(a);

79 (c) is not more than three square miles; and

80 (d) contains no occupied structures.

81 ~~[(5)(a)]~~ (8) "Unmanned aircraft [~~system~~]" means an aircraft that is:

82 ~~[(i) is]~~ (a) capable of sustaining flight; and

83 ~~[(ii) operates]~~ (b) operated with no possible direct human intervention from on or
84 within the aircraft.

85 ~~[(b) "Unmanned aircraft system" does not include an unmanned aircraft that is flown:]~~

86 ~~[(i) within visual line of sight of the individual operating the aircraft; and]~~

87 ~~[(ii) strictly for hobby or recreational purposes.]~~

88 (9) "Unmanned aircraft system" means the entire system used to operate an unmanned
89 aircraft, including:

- 90 (a) the unmanned aircraft;
- 91 (b) communications equipment
- 92 (c) navigation equipment;
- 93 (d) controllers;
- 94 (e) support equipment; and
- 95 (f) autopilot functionality.

96 Section 3. Section **63G-18-106** is enacted to read:

97 **63G-18-106. Unmanned aircraft and emergency operations.**

98 (1) Subject to the requirements of this section, a public safety official may neutralize an
99 unmanned aircraft that interferes with the response to an acute emergency if neutralizing the
100 unmanned aircraft is reasonably necessary to:

- 101 (a) protect an individual or property from hazards associated with the acute emergency;
- 102 (b) provide a safe environment for emergency response vehicles and personnel to
103 operate;
- 104 (c) prevent unsafe congestion of aircraft above or around the acute emergency; or
- 105 (d) protect a flight path of an aircraft being used to respond to the acute emergency.

106 (2) A public safety official may not neutralize an unmanned aircraft under this section
107 if neutralizing the unmanned aircraft:

- 108 (a) could reasonably cause or lead to the death of, or bodily injury to, a human; or
- 109 (b) is likely to cause or lead to:
 - 110 (i) the death of, or bodily injury to, an animal; or
 - 111 (ii) damage to private property, other than the unmanned aircraft, in an amount greater
112 than \$5,000.

113 (3) A public safety official who neutralizes an unmanned aircraft in accordance with
114 this section shall neutralize the unmanned aircraft:

- 115 (a) in the most safe and practicable manner available; and
- 116 (b) in a manner that causes as little damage or destruction as possible, in light of the
117 circumstances, to the unmanned aircraft and other property.