

UNMANNED AIRCRAFT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill establishes provisions related to unmanned aircraft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ reorganizes existing code related to unmanned aircraft;
- ▶ preempts local law;
- ▶ establishes limitations and safety and use requirements for the operation of an unmanned aircraft;
- ▶ prohibits a person from:
 - committing a trespass with an unmanned aircraft;
 - committing a privacy violation with an unmanned aircraft;
 - operating an unmanned aircraft within certain distances of an emergency situation; or
 - committing voyeurism with an unmanned aircraft;
- ▶ establishes provisions for the creation of limited flight restrictions on unmanned aircraft in response to an emergency;
- ▶ allows a law enforcement officer to neutralize an unmanned aircraft in certain situations; and
- ▶ establishes criminal penalties.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **63G-18-101**, as last amended by Laws of Utah 2015, Chapter 269

35 **63G-18-102**, as last amended by Laws of Utah 2015, Chapter 269

36 **76-9-702.7**, as last amended by Laws of Utah 2004, Chapter 52

37 ENACTS:

38 **63G-18-106**, Utah Code Annotated 1953

39 **63G-18-201**, Utah Code Annotated 1953

40 **63G-18-202**, Utah Code Annotated 1953

41 **63G-18-301**, Utah Code Annotated 1953

42 **63G-18-302**, Utah Code Annotated 1953

43 **63G-18-303**, Utah Code Annotated 1953

44 **63G-18-304**, Utah Code Annotated 1953

45 **63G-18-305**, Utah Code Annotated 1953

46 **63G-18-401**, Utah Code Annotated 1953

47 **63G-18-402**, Utah Code Annotated 1953

48 **63G-18-403**, Utah Code Annotated 1953

49 **63G-18-404**, Utah Code Annotated 1953

50 **63G-18-405**, Utah Code Annotated 1953

51 **63G-18-406**, Utah Code Annotated 1953

52 **63G-18-407**, Utah Code Annotated 1953

53 **63G-18-408**, Utah Code Annotated 1953

54 **63G-18-409**, Utah Code Annotated 1953

55 **63G-18-410**, Utah Code Annotated 1953

56 **63G-18-411**, Utah Code Annotated 1953

57 RENUMBERS AND AMENDS:

58 **63G-18-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015,

59 Chapter 269)

60 **63G-18-204**, (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015,

61 Chapter 269)

62 **63G-18-205**, (Renumbered from 63G-18-105, as last amended by Laws of Utah 2015,

63 Chapter 269)



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

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

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

67 **63G-18-101. Title.**

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

69 "Unmanned Aircraft -- Drones."

70 Section 2. Section **63G-18-102** is amended to read:

71 **63G-18-102. Definitions.**

72 As used in this chapter:

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

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

77 [(a) ~~an agency, department, division, or other entity within state government;~~]

78 [(b) ~~a person employed by or otherwise acting in an official capacity on behalf of the
79 state;~~]

80 [(c) ~~a political subdivision of the state; or]~~

81 [(d) ~~a person employed by or otherwise acting in an official capacity on behalf of a
82 political subdivision of the state.]~~]

83 [(3) "Target" means a person upon whom, or a structure or area upon which, a person:]

84 [(a) ~~has intentionally collected or attempted to collect information through the
85 operation of an unmanned aircraft system; or]~~

86 [(b) ~~plans to collect or attempt to collect information through the operation of an
87 unmanned aircraft system.]~~]

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

90 ~~[(a) has boundaries that are clearly identified using GPS coordinates;]~~
91 ~~[(b) a law enforcement agency identifies in writing to the Department of Public Safety;~~
92 ~~including the boundaries identified under Subsection (4)(a);]~~
93 ~~[(c) is not more than three square miles; and]~~
94 ~~[(d) contains no occupied structures.]~~
95 (1) "Airport" means any area of land, water, or both that:
96 (a) is used or is made available for landing or takeoff by an aircraft;
97 (b) provides a facility for the shelter, supply, or repair of aircraft and the handling of
98 passengers and cargo;
99 (c) is identified in the current version of the Federal Aviation Administration's form
100 5010, Airport Master Record; and
101 (d) includes all land areas shown as part of the airport in the current airport layout plan
102 approved by the Federal Aviation Administration.
103 (2) (a) "Airport operator" means the entity that is authorized by statute to operate an
104 airport.
105 (b) "Airport operator" includes the department or division of a political subdivision
106 responsible for operating a specific airport.
107 (3) "Emergency" means:
108 (a) a natural or man-made disaster, a fire, a flood, or extreme weather; or
109 (b) a circumstance that presents an imminent threat to life or property, or public health,
110 safety, or welfare.
111 (4) "Extreme emergency" means a fire, a flood, extreme weather, a missing person
112 situation, or a natural or man-made disaster that is expected to present an imminent threat to
113 life or property, or public health, safety, or welfare for more than 24 hours.
114 (5) "Law enforcement agency" means an entity of the state or an entity of a political
115 subdivision of the state, including an entity of a state institution of higher education, that exists
116 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.
117 (6) "Law enforcement officer" means a sworn and certified peace officer:
118 (a) who is an employee of a law enforcement agency that is part of, or administered by,
119 the state or a political subdivision of the state; and
120 (b) whose primary duties consist of the prevention and detection of crime and the

121 enforcement of criminal statutes or ordinances of the state or a political subdivision of the state.

122 (7) "Public operator" means a person who operates an unmanned aircraft system within
123 the scope of the person's employment as an employee of, or at the direction of, an agency,
124 department, division, or other entity within state government or a political subdivision of the
125 state.

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

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

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

130 [~~(b)~~] (9) "Unmanned aircraft system" [~~does not include an unmanned aircraft that is~~
131 ~~flown~~] means the entire system used to operate an unmanned aircraft, including:

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

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

134 (a) the unmanned aircraft;

135 (b) communications equipment;

136 (c) navigation equipment;

137 (d) controllers;

138 (e) support equipment; and

139 (f) autopilot functionality.

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

141 **63G-18-106. Preemption of local ordinance.**

142 (1) A political subdivision of the state, or an entity within a political subdivision of the
143 state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft
144 unless:

145 (a) authorized by this chapter; or

146 (b) the political subdivision or entity is an airport operator that enacts the law, rule, or
147 ordinance to govern:

148 (i) the operation of an unmanned aircraft within the geographic boundaries of the
149 airport over which the airport operator has authority; or

150 (ii) the takeoff or landing of an unmanned aircraft at the airport over which the airport
151 operator has authority.

152 (2) This chapter supercedes any law, ordinance, or rule enacted by a political
153 subdivision of the state before July 1, 2016.

154 Section 4. Section **63G-18-201** is enacted to read:

155 **Part 2. Government Use of Unmanned Aircraft**

156 **63G-18-201. Title.**

157 This part is known as "Government Use of Unmanned Aircraft."

158 Section 5. Section **63G-18-202** is enacted to read:

159 **63G-18-202. Definitions.**

160 As used in this part:

161 (1) "Nongovernment actor" means a person that is not:

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

163 (b) employed by or otherwise acting in an official capacity on behalf of the state;

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

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

167 (2) "Target" means a person upon whom, or a structure or area upon which, a person:

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

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

172 (3) "Testing site" means an area that:

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

174 (b) a law enforcement agency identifies in writing to the Department of Public Safety,
175 including the boundaries identified under Subsection (3)(a);

176 (c) is not more than three square miles;

177 (d) contains no occupied structures; and

178 (e) a law enforcement agency intends to use for the testing of an unmanned aircraft
179 system.

180 Section 6. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is
181 renumbered and amended to read:

182 ~~**63G-18-103.**~~ **63G-18-203. Unmanned aircraft system use requirements --**

183 **Exceptions -- Testing.**

184 (1) A law enforcement agency may not obtain, receive, or use data acquired through an
185 unmanned aircraft system unless the data is obtained:

- 186 (a) pursuant to a search warrant;
- 187 (b) in accordance with judicially recognized exceptions to warrant requirements;
- 188 (c) subject to Subsection (2), from a person who is a nongovernment actor;
- 189 (d) at a testing site; or
- 190 (e) to locate a lost or missing person in an area in which a person has no reasonable
191 expectation of privacy.

192 (2) A nongovernment actor may only disclose data acquired through an unmanned
193 aircraft system to a law enforcement agency if:

- 194 (a) the data appears to pertain to the commission of a crime; or
- 195 (b) the nongovernment actor believes, in good faith, that:
 - 196 (i) the data pertains to an imminent or ongoing emergency involving danger of death or
197 serious bodily injury to an individual; and
 - 198 (ii) disclosing the data would assist in remedying the emergency.

199 (3) A law enforcement agency that obtains, receives, or uses data acquired under
200 Subsection (1)(d) or (e) shall destroy the data as soon as reasonably possible after the law
201 enforcement agency obtains, receives, or uses the data.

202 (4) A law enforcement agency that operates an unmanned aircraft system under
203 Subsection (1)(d) may not operate the unmanned aircraft system outside of the testing site.

204 Section 7. Section **63G-18-204**, which is renumbered from Section 63G-18-104 is
205 renumbered and amended to read:

206 ~~**63G-18-104.**~~ **63G-18-204. Data retention.**

207 (1) Except as provided in this section, a law enforcement agency:

208 (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a
209 person, structure, or area that is not a target; and

210 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as
211 reasonably possible after the law enforcement agency collects or receives the data.

212 (2) A law enforcement agency is not required to comply with Subsection (1) if:

213 (a) deleting the data would also require the deletion of data that:

- 214 (i) relates to the target of the operation; and
- 215 (ii) is requisite for the success of the operation;
- 216 (b) the law enforcement agency receives the data:
- 217 (i) through a court order that:
- 218 (A) requires a person to release the data to the law enforcement agency; or
- 219 (B) prohibits the destruction of the data; or
- 220 (ii) from a person who is a nongovernment actor;
- 221 (c) (i) the data was collected inadvertently; and
- 222 (ii) the data appears to pertain to the commission of a crime;
- 223 (d) (i) the law enforcement agency reasonably determines that the data pertains to an
- 224 emergency situation; and
- 225 (ii) using or disclosing the data would assist in remedying the emergency; or
- 226 (e) the data was collected through the operation of an unmanned aircraft system over
- 227 public lands outside of municipal boundaries.

228 Section 8. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is
229 renumbered and amended to read:

230 ~~[63G-18-105].~~ **63G-18-205. Reporting.**

231 (1) Except as provided by Subsections (2) and (3), before March 31 of each year, a law
232 enforcement agency that operated an unmanned aircraft system in the previous calendar year
233 shall submit to the Utah Department of Public Safety, and make public on the law enforcement
234 agency's website, a written report containing:

- 235 (a) the number of times the law enforcement agency operated an unmanned aircraft
- 236 system in the previous calendar year;
- 237 (b) the number of criminal investigations aided by the use of an unmanned aircraft
- 238 system operated by the law enforcement agency in the previous calendar year;
- 239 (c) a description of how the unmanned aircraft system was helpful to each investigation
- 240 described in Subsection (1)(b);
- 241 (d) the frequency with which data was collected, and the type of data collected, by an
- 242 unmanned aircraft system operated by the law enforcement agency on any person, structure, or
- 243 area other than a target in the previous calendar year;
- 244 (e) the number of times a law enforcement agency received, from a person who is not a

245 law enforcement agency, data collected by an unmanned aircraft system; and

246 (f) the total cost of the unmanned aircraft system program operated by the law
247 enforcement agency in the previous calendar year, including the source of any funds used to
248 operate the program.

249 (2) (a) A law enforcement agency that submits a report described in Subsection (1) may
250 exclude from the report information pertaining to an ongoing investigation.

251 (b) A law enforcement agency that excludes information under Subsection (2)(a) from
252 the report shall report the excluded information to the Utah Department of Public Safety on the
253 annual report in the year following the year in which the investigation to which the information
254 pertains is concluded.

255 (3) A law enforcement agency is not required to submit, under Subsection (1), to the
256 Department of Public Safety information pertaining to the use of an unmanned aircraft system
257 operated at a testing site.

258 (4) Before May 31 of each year, the Utah Department of Public Safety shall, for all
259 reports received under Subsection (1) during the previous calendar year:

260 (a) transmit to the Government Operations Interim Committee and post on the
261 department's website a report containing:

262 (i) a summary of the information reported to the department;

263 (ii) the total number of issued warrants authorizing the operation of an unmanned
264 aircraft system; and

265 (iii) the number of denied warrants for the operation of an unmanned aircraft system;
266 and

267 (b) post on the department's website each report the department received.

268 Section 9. Section **63G-18-301** is enacted to read:

269 **Part 3. Criminal Use of Unmanned Aircraft**

270 **63G-18-301. Title.**

271 This part is known as "Criminal Use of Unmanned Aircraft."

272 Section 10. Section **63G-18-302** is enacted to read:

273 **63G-18-302. Reserved.**

274 Reserved

275 Section 11. Section **63G-18-303** is enacted to read:

276 **63G-18-303. Weapon attached to unmanned aircraft -- Penalties.**

277 (1) (a) As used in this section "weapon" means:

278 (i) a firearm; or

279 (ii) an object that in the manner of the object's use or intended use is capable of causing
280 death, serious bodily injury, or serious damage to property.

281 (b) The following factors are used in determining whether an object, other than a
282 firearm, is a dangerous weapon:

283 (i) the location and circumstances in which the object is used or possessed;

284 (ii) the primary purpose for which the object is made;

285 (iii) the character of the wound, if any, produced by the object's use;

286 (iv) the manner in which the object is used;

287 (v) whether the manner in which the object is used or possessed constitutes a potential
288 imminent threat to public safety; and

289 (vi) the lawful purposes for which the object may be used.

290 (2) (a) Except as provided in Subsection (3), a person may not fly an unmanned aircraft
291 that carries a weapon or to which a weapon is attached.

292 (b) A person that violates Subsection (2)(a) is guilty of a class B misdemeanor.

293 (3) A person may fly an unmanned aircraft that carries a weapon or to which a weapon
294 is attached if the person:

295 (a) (i) obtains a certificate of authorization, or other written approval, from the Federal
296 Aviation Administration authorizing the person to fly the unmanned aircraft that carries the
297 weapon or to which the weapon is attached; and

298 (ii) operates the unmanned aircraft in accordance with the certificate of authorization or
299 other written approval;

300 (b) (i) obtains a contract with the state or the federal government authorizing the person
301 to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and

302 (ii) operates the unmanned aircraft in accordance with the contract; or

303 (c) operates the unmanned aircraft that carries the weapon or to which the weapon is
304 attached in airspace controlled by the United States Department of Defense, with the
305 permission of the United States Department of Defense.

306 Section 12. Section **63G-18-304** is enacted to read:

307 **63G-18-304. Trespass with unmanned aircraft -- Penalties.**

308 (1) As used in this section, "remains unlawfully" means an unmanned aircraft remains
309 over private property longer than reasonably necessary to cross the private property when:

310 (a) the private property or any portion of the private property is not open to the public;

311 and

312 (b) the person operating the unmanned aircraft is not otherwise licensed or privileged
313 to fly the unmanned aircraft over the private property or any portion of the private property.

314 (2) A person is guilty of trespass with an unmanned aircraft if:

315 (a) the person operates an unmanned aircraft system in a manner that causes an
316 unmanned aircraft to:

317 (i) fly less than 400 feet above private property; and

318 (ii) remain unlawfully above the private property; and

319 (b) (i) the owner of the private property provides notice against entry onto or over the
320 private property:

321 (A) through personal communication to the person operating the unmanned aircraft; or

322 (B) by posting signs that are reasonably likely to come to the attention of an individual
323 intruding on the private property at ground level;

324 (ii) the person recklessly causes fear for the safety of another person;

325 (iii) the person operates the unmanned aircraft in a manner that recklessly endangers a
326 person or property;

327 (iv) the person intends to cause annoyance or injury to a person or damage to property;

328 or

329 (v) the person intends to commit a crime, other than theft or a felony.

330 (3) Trespass with an unmanned aircraft is a class C misdemeanor.

331 Section 13. Section **63G-18-305** is enacted to read:

332 **63G-18-305. Privacy violation with unmanned aircraft.**

333 (1) As used in this section, "private place" means the same as that term is defined in
334 Section [76-9-401](#).

335 (2) Except as provided in Subsection (4), a person is guilty of a privacy violation with
336 an unmanned aircraft if the person uses the unmanned aircraft with the intent to:

337 (a) observe, photograph, or record a person, place, or event in a private place without

338 consent of the person or persons in the private place; or

339 (b) overhear, amplify, or broadcast sound produced in a private place that would not
340 ordinarily be audible or comprehensible by an individual located outside of the private place,
341 without the consent of the person or persons in the private place.

342 (3) Privacy violation with an unmanned aircraft is a class B misdemeanor.

343 (4) This section does not apply to:

344 (a) a law enforcement agency that operates an unmanned aircraft system in accordance
345 with Section 63G-18-203; or

346 (b) a government official or government employee, other than a law enforcement
347 agency, acting within the person's capacity as a government official or a government employee.

348 Section 14. Section **63G-18-401** is enacted to read:

349 **Part 4. Safe Use of Unmanned Aircraft**

350 **63G-18-401. Title.**

351 This part is known as "Safe Use of Unmanned Aircraft."

352 Section 15. Section **63G-18-402** is enacted to read:

353 **63G-18-402. Reserved.**

354 Reserved

355 Section 16. Section **63G-18-403** is enacted to read:

356 **63G-18-403. Operation of unmanned aircraft and correctional facilities --**

357 **Penalties.**

358 (1) As used in this section, "correctional facility" means the entirety of the grounds
359 upon which one of the following is located:

360 (a) a facility operated by or contracting with the Department of Corrections to
361 permanently house criminal offenders in a secure setting;

362 (b) a facility operated by or contracting with the federal government to permanently
363 house criminal offenders in a secure setting;

364 (c) a facility operated by a municipality or a county to house or detain criminal
365 offenders; or

366 (d) a juvenile detention facility.

367 (2) Except as provided in Subsection (3), a person may not operate an unmanned
368 aircraft system in a manner that causes an unmanned aircraft to fly within 500 feet of a

369 correctional facility.

370 (3) A person may operate an unmanned aircraft system in a manner that causes an
371 unmanned aircraft to fly within 500 feet of a correctional facility if the person:

372 (a) is the entity that controls the correctional facility;

373 (b) operates the unmanned aircraft system under the direction of the entity that controls
374 the correctional facility; or

375 (c) is the Department of Public Safety.

376 (4) A person that violates Subsection (2) is guilty of:

377 (a) an infraction for a first offense; or

378 (b) a class C misdemeanor for a second or subsequent offense.

379 Section 17. Section **63G-18-404** is enacted to read:

380 **63G-18-404. Operation of unmanned aircraft at wildland fire -- Penalties.**

381 (1) As used in this section, "wildland fire" means the same as that term is defined in
382 Section [65A-1-1](#).

383 (2) Except as provided in Subsection (3), a person may not operate an unmanned
384 aircraft system in a manner that causes an unmanned aircraft to fly within three miles of a
385 wildland fire.

386 (3) A person may operate an unmanned aircraft system in a manner that causes an
387 unmanned aircraft to fly within three miles of a wildland fire if:

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

389 (ii) the person operates the unmanned aircraft system in response to an emergency; and

390 (iii) the operation is conducted under the direction of the governmental entity
391 managing the response to the wildland fire;

392 (b) (i) the person is a law enforcement agency that operates the unmanned aircraft
393 system in accordance with Section [63G-18-203](#); and

394 (ii) the law enforcement agency described in Subsection (2)(b)(i) gives prior notice of
395 the operation to the governmental entity managing the response to the wildland fire; or

396 (c) the person is a government official or a government employee, other than a law
397 enforcement agency, acting within the person's capacity as a government official or a
398 government employee.

399 (4) A person that violates Subsection (2) is guilty of:

400 (a) except as provided in Subsection (4)(b), (c), or (d), a class B misdemeanor, if the
401 person violates Subsection (2) recklessly;

402 (b) except as provided in Subsection (4)(c) or (d), a class A misdemeanor, if the
403 operation of the unmanned aircraft system causes an aircraft being used to contain or control a
404 wildland fire to:

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

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

409 (c) except as provided in Subsection (4)(d), a third degree felony, if the operation of the
410 unmanned aircraft system causes the unmanned aircraft to come into direct physical contact
411 with a manned aircraft; or

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

415 Section 18. Section **63G-18-405** is enacted to read:

416 **63G-18-405. Altitude of operation -- Penalties.**

417 (1) Except as provided in Subsection (2), a person may not operate an unmanned
418 aircraft system in a manner that causes an unmanned aircraft to fly more than 400 feet above
419 ground level.

420 (2) A person may operate an unmanned aircraft system in a manner that causes an
421 unmanned aircraft to fly more than 400 feet above ground level if the person:

422 (a) obtains a certificate of authorization, or other written approval, from the Federal
423 Aviation Administration authorizing the operation of the unmanned aircraft system in a manner
424 that causes the unmanned aircraft to fly more than 400 feet above ground level; or

425 (b) operates the unmanned aircraft system in a manner that causes the unmanned
426 aircraft to fly in airspace controlled by the United States Department of Defense, with the
427 permission of the United States Department of Defense.

428 (3) A person that violates Subsection (1) is guilty of an infraction.

429 Section 19. Section **63G-18-406** is enacted to read:

430 **63G-18-406. Operation of unmanned aircraft above mass gatherings -- Penalties.**

431 (1) Except as provided in Subsection (2), a person may not operate an unmanned
432 aircraft system in a manner that causes an unmanned aircraft to fly over an event at which more
433 than 500 individuals are gathered.

434 (2) A person may operate an unmanned aircraft system in a manner that causes the
435 unmanned aircraft to fly over an event at which more than 500 individuals are gathered if the
436 person:

437 (a) receives permission to fly the unmanned aircraft over the event from:

438 (i) the owner of the venue at which, or area in which, the event takes place; and

439 (ii) the person organizing the event:

440 (A) is a public operator using the unmanned aircraft system to respond to an
441 emergency; or

442 (B) is a law enforcement agency operating the unmanned aircraft system in accordance
443 with Section [63G-18-203](#).

444 (3) A person that violates Subsection (1) is guilty of:

445 (i) an infraction for a first offense; or

446 (ii) a class C misdemeanor for a second or subsequent offense.

447 Section 20. Section **63G-18-407** is enacted to read:

448 **63G-18-407. Operation of unmanned aircraft in proximity to an airport --**

449 **Penalties.**

450 (1) Except as provided in Subsection (2), a person may not operate an unmanned
451 aircraft system in a manner that causes an unmanned aircraft to fly within five miles of an
452 airport.

453 (2) A person may operate an unmanned aircraft system in a manner that causes an
454 unmanned aircraft to fly within five miles of an airport if:

455 (a) (i) the flight of the unmanned aircraft within five miles of the airport is necessary in
456 order for the unmanned aircraft to take off from or land at the airport; and

457 (ii) the person has permission from the airport's operator to launch or land the
458 unmanned aircraft at the airport;

459 (b) the person receives authorization to fly the unmanned aircraft within five miles of
460 the airport from:

461 (i) the airport operator that has authority over the airport; or

462 (ii) the Federal Aviation Administration; or

463 (c) the operation is allowed under federal law or rule.

464 Section 21. Section **63G-18-408** is enacted to read:

465 **63G-18-408. Operation of unmanned aircraft while operating a motor vehicle --**

466 **Penalties.**

467 (1) An individual may not operate an unmanned aircraft system while the individual
468 operates a motor vehicle.

469 (2) A person that violates Subsection (1) is guilty of an infraction.

470 Section 22. Section **63G-18-409** is enacted to read:

471 **63G-18-409. Unmanned aircraft and extreme emergency -- Limited flight**

472 **restriction on unmanned aircraft -- Penalties.**

473 (1) As used in this section:

474 (a) "Department" means the Department of Public Safety.

475 (b) "Low altitude flight path" means the flight path of an aircraft when the flight path is
476 less than 1000 feet above ground level.

477 (c) "Mass communication notification system" means a public safety communication
478 system that uses a database of telephone numbers and corresponding addresses to communicate
479 messages to individuals within a specific geographic area.

480 (2) (a) Except as provided in Subsection (5), a person may not operate an unmanned
481 aircraft system in a manner that causes an unmanned aircraft to fly within an area under a
482 limited flight restriction designated under this section.

483 (b) A person that knowingly violates Subsection (2)(a) is guilty of a class B
484 misdemeanor.

485 (3) (a) In accordance with Subsection (4), the department may, in response to an
486 extreme emergency, designate a limited flight restriction on unmanned aircraft to:

487 (i) protect an individual or property from hazards associated with the extreme
488 emergency;

489 (ii) provide a safe environment for emergency response vehicles and personnel to
490 operate;

491 (iii) prevent unsafe congestion of aircraft above the extreme emergency; or

492 (iv) protect a flight path of an aircraft being used to respond to the extreme emergency.

493 (b) A limited flight restriction on unmanned aircraft designated under this section may
494 have a geographic boundary that extends horizontally to include all or a portion of the area
495 within:

496 (i) three miles of the location of, or the area immediately threatened by, an extreme
497 emergency; or

498 (ii) one mile of a potential low altitude flight path of an aircraft used to respond to an
499 extreme emergency.

500 (c) A limited flight restriction on unmanned aircraft designated under this section
501 extends vertically 400 feet above ground level within the geographic area covered by the
502 limited flight restriction.

503 (d) (i) Except as provided in Subsection (4)(e), a limited flight restriction designated
504 under this section may not last more than seven days.

505 (ii) The department may not designate a new limited flight restriction to circumvent the
506 requirements of Subsection (3)(d)(i).

507 (4) (a) The department may create, amend, extend, or prematurely terminate a limited
508 flight restriction on unmanned aircraft by providing notice that the limited flight restriction is
509 created, amended, extended, or prematurely terminated:

510 (i) to each county and municipality over which the limited flight restriction is created,
511 amended, extended, or prematurely terminated;

512 (ii) on the department's website;

513 (iii) if available, through a mass communication notification system to individuals
514 living within or near the geographic area in which the limited flight restriction is created,
515 amended, extended, or prematurely terminated; and

516 (iv) to at least one of the following:

517 (A) a radio station that broadcasts within or near the geographic area in which the
518 limited flight restriction is created, amended, extended, or prematurely terminated; or

519 (B) a correspondent for a local media outlet.

520 (b) The notice provided under Subsection (4)(a) shall include:

521 (i) a description of the extreme emergency for which the limited flight restriction on
522 unmanned aircraft is designated, amended, extended, or prematurely terminated;

523 (ii) a description of the area over which the limited flight restriction is designated,

524 amended, extended, or prematurely terminated;

525 (iii) the date and time the notice is provided; and

526 (iv) if the department is creating or extending a limited flight restriction, subject to
527 Subsection (3)(d)(i), the date and time the limited flight restriction will terminate.

528 (c) The department may not amend a limited flight restriction on unmanned aircraft
529 unless the amendment is solely for the purpose of changing the boundary over which the
530 limited flight restriction is imposed.

531 (d) (i) Except as provided in Subsection (4)(e), a limited flight restriction on unmanned
532 aircraft created under this section automatically terminates at the applicable termination date
533 and time described in Subsection (4)(b)(iv).

534 (ii) The department:

535 (A) may, at any time, prematurely terminate a limited flight restriction on unmanned
536 aircraft created by the department; and

537 (B) shall prematurely terminate a limited flight restriction on unmanned aircraft created
538 by the department at the time the extreme emergency associated with the limited flight
539 restriction ceases to exist because the situation no longer presents an imminent threat to life or
540 property, or to public health, safety, or welfare.

541 (e) The department may, as many times as necessary, extend the length of time of a
542 limited flight restriction created by the department for up to three days at a time if, before the
543 applicable termination date and time described in Subsection (4)(b)(iv), the department
544 provides a notice of extension, described in Subsection (4)(b), in accordance with the
545 requirements of Subsection (4)(a).

546 (5) A public operator may operate an unmanned aircraft system in a manner that causes
547 an unmanned aircraft to fly within an area that is under a limited flight restriction created under
548 this section if the public operator:

549 (a) operates the unmanned aircraft system:

550 (i) in response to the extreme emergency associated with the limited flight restriction;
551 and

552 (ii) under the direction of the governmental entity managing the response to the
553 extreme emergency;

554 (b) operates the unmanned aircraft system:

555 (i) in response to an emergency that is not associated with the limited flight restriction;
556 and

557 (ii) in coordination with the governmental entity that is managing the response to the
558 extreme emergency associated with the limited flight restriction; or

559 (c) is a law enforcement agency that:

560 (i) operates the unmanned aircraft system in accordance with Section [63G-18-203](#); and

561 (ii) coordinates the operation with the governmental entity that is managing the
562 response to the extreme emergency associated with the limited flight restriction.

563 (6) A limited flight restriction created under this section does not apply to an aircraft
564 that is not an unmanned aircraft.

565 Section 23. Section **63G-18-410** is enacted to read:

566 **63G-18-410. Unmanned aircraft and emergencies -- Limited flight restriction on**
567 **unmanned aircraft -- Penalties.**

568 (1) As used in this section:

569 (a) "Designating entity" means:

570 (i) for an emergency existing exclusively within the boundaries of the municipality, the
571 agency designated by a municipality under Subsection (2)(a);

572 (ii) the entity designated by a county under Subsection (2)(a) for an emergency:

573 (A) existing exclusively within the unincorporated boundaries of the county; or

574 (B) existing exclusively within the boundaries of the county, that crosses the boundary
575 of a municipality within the county; or

576 (iii) the Department of Public Safety for an emergency that crosses the boundary of a
577 county within the state.

578 (b) "Mass communication notification system" means a public safety communication
579 system that uses a database of telephone numbers and corresponding addresses to communicate
580 messages to individuals within a specific geographic area.

581 (2) A municipality or county:

582 (a) may not designate a limited flight restriction on unmanned aircraft unless the
583 municipality or county designates by ordinance an agency, department, or other entity within
584 the municipality's or county's government as having authority to designate a limited flight
585 restriction on unmanned aircraft; and

586 (b) may establish procedures that are more restrictive than the requirements of this
587 section for the designation of a limited flight restriction.

588 (3) (a) Except as provided in Subsection (6), a person may not operate an unmanned
589 aircraft system in a manner that causes an unmanned aircraft to fly within an area under a
590 limited flight restriction designated under this section.

591 (b) A person that knowingly violates Subsection (3)(a) is guilty of a class B
592 misdemeanor.

593 (4) (a) In accordance with Subsection (5), a designating entity may, in response to an
594 emergency, designate a limited flight restriction on unmanned aircraft to:

595 (i) protect an individual or property from hazards associated with the emergency;

596 (ii) provide a safe environment for emergency response vehicles and personnel to
597 operate; or

598 (iii) prevent unsafe congestion of aircraft above the emergency.

599 (b) A limited flight restriction on unmanned aircraft designated under this section may
600 have a geographic boundary that extends horizontally from the location of an emergency up to
601 the ground-level safety perimeter established by emergency response personnel responding to
602 the emergency.

603 (c) A limited flight restriction on unmanned aircraft designated under this section
604 extends vertically 400 feet above ground level within the geographic area covered by the
605 limited flight restriction.

606 (d) (i) Except as provided in Subsection (5)(d), a limited flight restriction designated
607 under this section may not last more than 24 hours.

608 (ii) A designating entity may not designate a new limited flight restriction to
609 circumvent the requirements of Subsection (4)(d)(i).

610 (5) (a) A designating entity may designate, extend, or prematurely terminate a limited
611 flight restriction on unmanned aircraft by providing a notice that the limited flight restriction is
612 designated, extended, or prematurely terminated:

613 (i) (A) on the designating entity's website;

614 (B) if the designating entity does not have a website and was designated by a
615 municipality, through the municipality's website;

616 (C) if the municipality described in Subsection (5)(a)(i)(B) does not have a website,

617 through the website of the county in which the municipality is located; or
618 (D) if the designated entity does not have a website and was designated by a county,
619 through the county's website;
620 (ii) if available, through a mass communication notification system to individuals
621 living within or near the geographic area in which the limited flight restriction is designated,
622 extended, or terminated; and
623 (iii) to at least one of the following:
624 (A) a radio station that broadcasts within or near the geographic area in which the
625 limited flight restriction is designated, extended, or terminated; or
626 (B) a correspondent for a local media outlet.
627 (b) A notice provided under Subsection (5)(a) shall include:
628 (i) a description of the emergency for which the limited flight restriction on unmanned
629 aircraft is designated, extended, or prematurely terminated;
630 (ii) a description of the area over which the limited flight restriction is designated,
631 extended, or prematurely terminated;
632 (iii) the date and time the notice is provided; and
633 (iv) if the designating entity is creating or extending a limited flight restriction, subject
634 to Subsection (4)(d)(i), the date and time the limited flight restriction will terminate.
635 (c) Except as provided in Subsection (5)(d), a limited flight restriction on unmanned
636 aircraft designated under this section is automatically terminated at the applicable termination
637 date and time described in Subsection (5)(b)(iv).
638 (d) A designating entity:
639 (i) may, at any time, prematurely terminate a limited flight restriction on unmanned
640 aircraft designated under this section by the designating entity; and
641 (ii) shall prematurely terminate a limited flight restriction on unmanned aircraft created
642 under this section by the designating entity at the time the emergency associated with the
643 limited flight restriction ceases to exist because the situation no longer presents an imminent
644 threat to life or property, or public health, safety, or welfare.
645 (e) A designating entity may, as many times as necessary, extend the length of time of a
646 limited flight restriction designated by the designating entity for up to 24 hours at a time if,
647 before the applicable termination date and time described in Subsection (5)(b)(iv), the

648 designating entity provides a notice of extension as described in Subsection (5)(b) in
649 accordance with the requirements of Subsection (5)(a).

650 (6) A public operator may operate an unmanned aircraft system in a manner that causes
651 an unmanned aircraft to fly within an area under a limited flight restriction designated under
652 this section if the public operator:

653 (a) operates the unmanned aircraft system:

654 (i) in response to the emergency associated with the limited flight restriction; and

655 (ii) under the direction of the governmental entity managing the response to the
656 emergency;

657 (b) operates the unmanned aircraft system:

658 (i) in response to an emergency that is not associated with the limited flight restriction;

659 and

660 (ii) in coordination with the governmental entity that is managing the response to the
661 emergency associated with the limited flight restriction; or

662 (c) is a law enforcement agency that:

663 (i) operates the unmanned aircraft system in accordance with Section [63G-18-203](#); and

664 (ii) coordinates the operation with the governmental entity that is managing the
665 response to the emergency associated with the limited flight restriction.

666 (7) A limited flight restriction designated under this section does not apply to an
667 aircraft that is not an unmanned aircraft.

668 Section 24. Section **63G-18-411** is enacted to read:

669 **63G-18-411. Neutralizing unmanned aircraft.**

670 (1) As used in this section:

671 (a) "Law enforcement officer" includes a sworn and certified peace officer within:

672 (i) the Division of Forestry, Fire, and State Lands;

673 (ii) the United States Forest Service;

674 (iii) the Bureau of Land Management; or

675 (iv) the National Park Service.

676 (b) "Neutralize" means to force the termination of the flight of an unmanned aircraft

677 by:

678 (i) disabling or damaging the unmanned aircraft;

679 (ii) interfering with any portion of the unmanned aircraft system associated with the
680 unmanned aircraft; or

681 (iii) otherwise taking control of the unmanned aircraft or the unmanned aircraft system
682 associated with the unmanned aircraft.

683 (2) In accordance with this section, a law enforcement officer may neutralize an
684 unmanned aircraft that flies in an area prohibited under Subsection [63G-18-409](#)(2) or
685 [63G-18-410](#)(3) if neutralizing the unmanned aircraft is reasonably necessary to:

686 (a) protect an individual or property from hazards associated with the emergency or
687 extreme emergency for which a limited flight restriction is created;

688 (b) provide a safe environment for emergency response vehicles and personnel to
689 operate;

690 (c) prevent unsafe congestion of aircraft above or around the emergency or extreme
691 emergency for which a limited flight restriction is created; or

692 (d) protect a flight path of an aircraft being used to respond to the emergency or
693 extreme emergency for which a temporary flight restriction is created.

694 (3) A law enforcement officer may not neutralize an unmanned aircraft under this
695 section if neutralizing the unmanned aircraft:

696 (a) could reasonably cause or lead to the death of, or bodily injury to, an individual; or

697 (b) is likely to cause or lead to:

698 (i) the death of, or bodily injury to, an animal; or

699 (ii) damage to private property, other than the unmanned aircraft system, in an amount
700 greater than \$5,000.

701 (4) Except as provided in Subsection (3), a law enforcement officer may neutralize an
702 unmanned aircraft under Subsection (2) after:

703 (a) a law enforcement officer has made a reasonable effort to:

704 (i) locate the individual operating the unmanned aircraft system; and

705 (ii) warn the individual that the unmanned aircraft operated by the individual:

706 (A) is flying in an area prohibited under Subsection [63G-18-405](#)(2) or [63G-18-406](#)(3);

707 and

708 (B) may be neutralized if the individual continues to fly the unmanned aircraft in the
709 prohibited area;

710 (b) the law enforcement officer, or the agency to which the law enforcement officer
711 belongs, receives approval to neutralize the unmanned aircraft from the director of the
712 governmental entity that is coordinating the response to the emergency or extreme emergency,
713 or the director's designee.

714 (5) A law enforcement officer who neutralizes an unmanned aircraft in accordance
715 with this section shall neutralize the unmanned aircraft:

716 (a) in the most safe and practicable manner available; and

717 (b) in a manner that causes as little damage or destruction as possible to the unmanned
718 aircraft system and other property.

719 Section 25. Section **76-9-702.7** is amended to read:

720 **76-9-702.7. Voyeurism offenses -- Penalties.**

721 (1) A person is guilty of voyeurism who intentionally uses a camcorder, motion picture
722 camera, photographic camera of any type, unmanned aircraft, or other equipment that is
723 concealed or disguised to secretly or surreptitiously videotape, film, photograph, record, or
724 view by electronic means an individual:

725 (a) for the purpose of viewing any portion of the individual's body regarding which the
726 individual has a reasonable expectation of privacy, whether or not that portion of the body is
727 covered with clothing;

728 (b) without the knowledge or consent of the individual; and

729 (c) under circumstances in which the individual has a reasonable expectation of
730 privacy.

731 (2) A violation of Subsection (1) is a class A misdemeanor, except that a violation of
732 Subsection (1) committed against a child under 14 years of age is a third degree felony.

733 (3) Distribution or sale of any images, including in print, electronic, magnetic, or
734 digital format, obtained under Subsection (1) by transmission, display, or dissemination is a
735 third degree felony, except that if the violation of this Subsection (3) includes images of a child
736 under 14 years of age, the violation is a second degree felony.

737 (4) A person is guilty of voyeurism who, under circumstances not amounting to a
738 violation of Subsection (1), views or attempts to view an individual, with or without the use of
739 any instrumentality:

740 (a) with the intent of viewing any portion of the individual's body regarding which the

741 individual has a reasonable expectation of privacy, whether or not that portion of the body is
742 covered with clothing;

743 (b) without the knowledge or consent of the individual; and

744 (c) under circumstances in which the individual has a reasonable expectation of
745 privacy.

746 (5) A violation of Subsection (4) is a class B misdemeanor, except that a violation of
747 Subsection (4) committed against a child under 14 years of age is a class A misdemeanor.

Legislative Review Note
Office of Legislative Research and General Counsel