

## SB0211S01 compared with SB0211

~~deleted text~~ shows text that was in SB0211 but was deleted in SB0211S01.

inserted text shows text that was not in SB0211 but was inserted into SB0211S01.

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Senator Howard A. Stephenson proposes the following substitute bill:

### PRIVATE USE OF DRONES

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill regulates the use of unmanned aircraft.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recodifies provisions related to unmanned aircraft;
- ▶ establishes requirements and procedures relating to unmanned aircraft liability coverage;
- ▶ establishes limitations, and safety and use requirements, for the private operation of an unmanned aircraft;
- ▶ requires a private operator of an unmanned aircraft to be at least 17 years of age;
- ▶ prohibits an individual from interfering with the operation of an unmanned aircraft;

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- ▶ establishes provisions governing an educational institution's use of an unmanned aircraft;
- ▶ establishes provisions governing the commercial use of an unmanned aircraft;
- ▶ grants rulemaking authority to the Board of Parks and Recreation with regards to unmanned aircraft; and
- ▶ establishes criminal penalties.

### **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

**79-4-304**, as enacted by Laws of Utah 2009, Chapter 344

#### **ENACTS:**

**31A-22-2001**, Utah Code Annotated 1953

**31A-22-2002**, Utah Code Annotated 1953

**31A-22-2003**, Utah Code Annotated 1953

**31A-22-2004**, Utah Code Annotated 1953

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

**63G-18-107**, Utah Code Annotated 1953

**63G-18-108**, Utah Code Annotated 1953

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

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

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

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

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

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

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

**63G-18-306**, Utah Code Annotated 1953

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**63G-18-307**, Utah Code Annotated 1953

**63G-18-308**, Utah Code Annotated 1953

**63G-18-309**, Utah Code Annotated 1953

**63G-18-310**, Utah Code Annotated 1953

**63G-18-311**, Utah Code Annotated 1953

**63G-18-312**, Utah Code Annotated 1953

**63G-18-313**, Utah Code Annotated 1953

**63G-18-314**, Utah Code Annotated 1953

**63G-18-315**, Utah Code Annotated 1953

**63G-18-316**, Utah Code Annotated 1953

**63G-18-317**, Utah Code Annotated 1953

**63G-18-318**, Utah Code Annotated 1953

**63G-18-319**, Utah Code Annotated 1953

**63G-18-320**, Utah Code Annotated 1953

**63G-18-321**, Utah Code Annotated 1953

**63G-18-322**, **Utah Code Annotated 1953**

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

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

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

**63G-18-501**, Utah Code Annotated 1953

**63G-18-502**, Utah Code Annotated 1953

**63G-18-503**, Utah Code Annotated 1953

**63G-18-504**, Utah Code Annotated 1953

### RENUMBERS AND AMENDS:

**63G-18-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015, Chapter 269)

**63G-18-204**, (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015, Chapter 269)

**63G-18-205**, (Renumbered from 63G-18-105, as last amended by Laws of Utah 2015, Chapter 269)

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

Section 1. Section **31A-22-2001** is enacted to read:

### **31A-22-2001. Definitions.**

As used in this part:

(1) "Covered operator" means an operator who is covered by the provisions of an insurance policy issued in accordance with this part.

(2) "Operator" means an individual who controls an unmanned aircraft system.

(3) "Owner" means the person that owns the unmanned aircraft.

(4) "Unmanned aircraft" means the same as that term is defined in Section 63G-18-102.

(5) "Unmanned aircraft system" means the same as that term is defined in Section 63G-18-102.

Section 2. Section **31A-22-2002** is enacted to read:

**31A-22-2002. Required components of unmanned aircraft liability insurance policies.**

A policy of unmanned aircraft liability insurance obtained to satisfy the requirements of Section 63G-18-504 shall comply with the requirements of Sections 31A-22-2003 and 31A-22-2004.

Section 3. Section **31A-22-2003** is enacted to read:

### **31A-22-2003. Unmanned aircraft liability coverage.**

(1) In addition to complying with the requirements of Chapter 21, Insurance Contracts in General, and Chapter 22, Part 2, Liability Insurance in General, a policy of unmanned aircraft liability coverage described in Section 31A-22-2002 shall:

(a) state the following:

(i) the owner in whose name the policy is purchased;

(ii) the owner's address;

(iii) the coverage afforded to the owner;

(iv) the premium charged to the owner;

(v) the period of time the policy is valid; and

(vi) the policy's limits of liability;

(b) specifically designate each unmanned aircraft system for which the policy grants

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coverage:

(c) insure the persons named in the policy;

(d) insure any other operator of an unmanned aircraft system described in Subsection (1)(b) who operates the unmanned aircraft system with the express or implied permission of the owner; and

(e) in addition to the coverage described in Section 31A-22-2002:

(i) cover damages or injury resulting from a covered operator who, while operating an unmanned aircraft system, is stricken by paralysis, seizure, or other unconscious condition that the covered operator did not know, or have reason to know, was likely to occur; and

(ii) cover a person who operates an unmanned aircraft system in violation of a Certificate of Waiver, Certificate of Authorization, or other exemption obtained from the Federal Aviation Administration by the owner of the unmanned aircraft system.

(2) A covered operator's liability is limited to the insurance policy's coverage.

(3) A policy containing unmanned aircraft liability coverage described in Section 31A-22-2002 may:

(a) prorate the insurance with other valid insurance; or

(b) grant lawful coverage in addition to unmanned aircraft liability coverage.

(4) Unmanned aircraft liability coverage is not required to insure a liability:

(a) covered under a workers' compensation law under Title 34A, Utah Labor Code;

(b) resulting from bodily injury to, or death of, a named insured's employee if:

(i) the bodily injury or death is caused by an unmanned aircraft system that is owned by the named insured; and

(ii) the named insured's employee acts as an employee of the named insured at the time the bodily injury or death occurs; or

(c) resulting from damage to property owned by, rented to, bailed to, or transported by the insured.

(5) (a) An insurance provider that provides an unmanned aircraft liability coverage policy may, in good faith, settle any claim covered by the policy.

(b) The amount of a settlement made under Subsection (5)(a) is deductible from the limits of liability described in Section 31A-22-2004.

(6) An insurer who grants an insurance policy containing unmanned aircraft liability

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coverage shall defend, in good faith, a person insured under the policy against a claim or suit brought by another person seeking damages that are payable under the policy if the other person prevails.

(7) (a) An insurer upon which a third party brings a claim may not use the defense of lack of cooperation on the part of the insured unless:

(i) the insurance policy of the insured provides the insurer with the defense of lack of cooperation; and

(ii) the third party colludes with the insured to bring the claim.

(b) If the defense of lack of cooperation is not effective against the claimant under Subsection (7)(a), after payment by the owner of the premium that is due, the insurer is:

(i) subrogated to the injured person's claim against the insured to the extent of the payment; and

(ii) entitled to reimbursement by the insured after the claimant has been made whole with respect to the claim against the insured.

(8) A policy of unmanned aircraft liability coverage may limit coverage to the policy minimum limits described in Section 31A-22-2004 if:

(a) alcohol or an illegal drug or substance is present in the blood of a covered operator while the covered operator operates an unmanned aircraft system designated under Subsection (1)(b);

(b) the policy, or a specifically reduced premium, contains an express written declaration that an unmanned aircraft system designated under Subsection (1)(b) will not be operated by an individual while alcohol or an illegal drug or substance is present in the blood of the individual; and

(c) the insured agreed to the declaration described in Subsection (8)(b).

(9) (a) A claimant who brings a claim exclusively against a named insured may elect to resolve the claim:

(i) by submitting the claim to binding arbitration; or

(ii) through litigation.

(b) If the claimant elects to commence litigation under Subsection (9)(a)(ii), the claimant may not elect under this section to resolve the claim through binding arbitration without the written consent of the claimant, the insured, and the insured's insurer.

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(c) (i) A claim that is submitted to binding arbitration under Subsection (9)(a)(i) shall be resolved by a panel of arbitrators selected in accordance with Subsection (9)(c)(ii).

(ii) Unless otherwise agreed upon in writing by the claimant, the insured, and the insured's insurer, a panel of arbitrators shall be composed of the following three members:

(A) one member selected by the claimant;

(B) one member selected by the insured; and

(C) one member jointly selected by the members described in Subsections (9)(c)(ii)(A) and (B).

(d) (i) The claimant is responsible for all costs associated with the selection and retention of the member described in Subsection (9)(c)(ii)(A).

(ii) The insured is responsible for all costs associated with the selection and retention of the member described in Subsection (9)(c)(ii)(B).

(iii) Unless otherwise agreed upon in writing by the claimant and the insured, the claimant and the insured are equally responsible for all costs associated with the selection and retention of the member described in Subsection (9)(c)(ii)(C).

(e) Except as otherwise provided in this section, or unless otherwise agreed upon in writing by the claimant, the insured, and the insured's insurer, an arbitration procedure conducted under this section is governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(f) (i) Discovery in an arbitration conducted under this section shall be conducted in accordance with Utah Rules of Civil Procedure, Rules 26b through 36.

(ii) A dispute that arises during a pre-trial discovery shall be resolved by the arbitration panel.

(g) A written decision of two of the three arbitrators constitutes a final decision of the arbitration panel.

(h) Before an arbitration panel determines the amount of an arbitration award:

(i) the existence of a liability insurance policy may be disclosed to the arbitration panel; and

(ii) the total amount of all applicable liability insurance policy limits may not be disclosed to the arbitration panel.

(i) The amount of an arbitration award is equal to the lesser of:

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(i) the amount the arbitration panel renders as an award; or

(ii) the liability limits of all the insured's applicable liability insurance policies, including applicable liability umbrella policies.

(j) The arbitration award is the final resolution of all claims between the parties unless the award is procured by corruption, fraud, or other undue means.

(k) If the arbitration panel finds that the claim was not brought, pursued, or defended in good faith, the arbitration panel may award reasonable fees and costs against the party that failed to bring, pursue, or defend the claim in good faith.

(10) Nothing in this section limits a claim under another portion of an applicable insurance policy.

Section 4. Section **31A-22-2004** is enacted to read:

### **31A-22-2004. Unmanned aircraft insurance liability limits.**

A policy containing unmanned aircraft liability coverage may not limit the insurer's liability under the coverage below the following:

(1) (a) \$25,000 for a liability that is the proximate cause of bodily injury to or death of one individual, arising out of the use of an unmanned aircraft system in any one accident;

(b) subject to the limit for one individual in Subsection (1)(a), \$65,000 for a liability that is the proximate cause of bodily injury to or death of two or more individuals arising out of the use of an unmanned aircraft system in any one accident; and

(c) \$15,000 for a liability that is the proximate cause of injury to or destruction of property of others arising out of the use of an unmanned aircraft system in any one accident; or

(2) \$80,000 for a liability that is the proximate cause of bodily injury to or the death of others, or from destruction of or damage to property of others arising out of the use of an unmanned aircraft system in any one accident.

Section 5. 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 6. Section **63G-18-102** is amended to read:

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



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As used in this chapter:

(1) "Airport" means an area of land, water, or both, that:

(a) is used or made available for aircraft landing or takeoff;

(b) meets the minimum requirements established by the Operations Division of the Department of Transportation for size and design, surface, marking, equipment, and operation;  
and

(c) includes all areas shown as part of the airport in the current airport layout plan approved by the Federal Aviation Administration.

(2) (a) "Airport authority" means the entity that is authorized by statute to operate an airport.

(b) "Airport authority" includes the department or division of a political subdivision responsible for operating a specific airport.

(c) "Airport authority" does not include the governing body of a county or municipality.

(3) "Commercial operator" means an individual who operates an unmanned aircraft system for compensation, hire, or profit.

~~[(+)]~~ (4) "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.

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

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

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

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

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

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

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

~~[(b) plans to collect or attempt to collect information through the operation of an~~

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~~unmanned aircraft system.]~~

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

~~[(a) has boundaries that are clearly identified using GPS coordinates;]~~

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

~~[(c) is not more than three square miles; and]~~

~~[(d) contains no occupied structures.]~~

(5) "Law enforcement officer" means a sworn and certified peace officer:

(a) who is an employee of a law enforcement agency that is part of, or administered by, the state or a political subdivision of the state; and

(b) whose primary duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of the state or a political subdivision of the state.

(6) "Operator" means an individual who controls an unmanned aircraft system.

~~[(5)(a)]~~ (7) "Unmanned aircraft [system]" means an aircraft that is:

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

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

~~[(b)]~~ (8) "Unmanned aircraft system" [does not include an unmanned aircraft that is flown: (i) within visual line of sight of the individual operating the aircraft, and (ii) strictly for hobby or recreational purposes.] means the entire system used to operate an unmanned aircraft, including:

(a) the unmanned aircraft, including any payload;

(b) communications equipment;

(c) navigation equipment;

(d) controllers;

(e) support equipment; and

(f) autopilot functionality.

Section 7. Section **63G-18-106** is enacted to read:

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

(1) A political subdivision of the state, or an entity of a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned

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aircraft, unless the entity is an airport authority.

(2) This chapter supercedes a law, ordinance, or rule enacted by a political subdivision of the state that is not an airport authority.

Section 8. Section **63G-18-107** is enacted to read:

### **63G-18-107. Unmanned aircraft to yield right of way -- Penalties.**

(1) An operator of an unmanned aircraft shall yield right of way to:

- (a) a manned aircraft;
- (b) a parachutist; or
- (c) a vehicle or individual on the ground.

(2) An operator who violates Subsection (1) is guilty of an infraction.

Section 9. Section **63G-18-108** is enacted to read:

### **63G-18-108. Impaired operation of unmanned aircraft -- Penalties.**

(1) An operator may not operate an unmanned aircraft system while the operator:

- (a) has a blood or breath alcohol concentration at or above .08 grams;
- (b) is under the influence of any drug to a degree that renders the operator incapable of safely operating the unmanned aircraft system; or
- (c) knows or has reason to know of a physical or mental condition that could interfere with the operator's safe operation of the unmanned aircraft system.

(2) If, after receiving a written warning from a law enforcement officer for a violation of Subsection (1), a private operator subsequently violates Subsection (1), the private operator is guilty of:

- (a) an infraction for the first violation after receiving the warning; or
- (b) a class B misdemeanor for a second or subsequent violation after receiving the

warning.

Section 10. Section **63G-18-201** is enacted to read:

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

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

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

Section 11. Section **63G-18-202** is enacted to read:

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

As used in this part:

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

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

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

(c) a political subdivision of the state;

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

(e) the federal government; or

(f) a person employed by or otherwise acting in an official capacity on behalf of the federal government.

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

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

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

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

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

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

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

(d) contains no occupied structures.

Section 12. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is renumbered and amended to read:

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

### **Exceptions -- Testing.**

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

(a) pursuant to a search warrant;

(b) in accordance with judicially recognized exceptions to warrant requirements;

(c) (i) in a public location in which a person has no reasonable expectation of privacy;

and

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(ii) the unmanned aircraft controlled by the unmanned aircraft system, at the time the data is obtained by the unmanned aircraft system, is clearly audible and visible without aid:

(A) by all persons who are targets; and

(B) from all portions of the area on which data is collected;

~~[(c)]~~ (d) subject to Subsection (2), from a person who is a nongovernment actor;

~~[(d)]~~ (e) at a testing site; or

~~[(e)]~~ (f) to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy.

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

(a) the data appears to pertain to the commission of a crime; or

(b) the nongovernment actor believes, in good faith, that:

(i) the data pertains to an imminent or ongoing emergency involving danger of death or serious bodily injury to an individual; and

(ii) disclosing the data would assist in remedying the emergency.

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

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

Section 13. Section **63G-18-204**, which is renumbered from Section 63G-18-104 is renumbered and amended to read:

~~[63G-18-104].~~      **63G-18-204. Data retention.**

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

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

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

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

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

(i) relates to the target of the operation; and

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

Section 14. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is renumbered and amended to read:

~~**63G-18-105**~~.        **63G-18-205**. **Reporting.**

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

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

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

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

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

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

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

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

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

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

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

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

Section 15. Section **63G-18-301** is enacted to read:

### **Part 3. Private Use of Unmanned Aircraft**

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

This part is known as "Private Use of Unmanned Aircraft."

Section 16. Section **63G-18-302** is enacted to read:

#### **63G-18-302. Definitions.**

As used in this part:

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

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(2) "Line of sight" means direct, unobstructed visual contact with an unmanned aircraft without the assistance of another person or instrumentation other than corrective lenses.

(3) (a) "Private operator" means an individual who is a nongovernment actor who controls an unmanned aircraft system.

(b) "Private operator" includes:

(i) the individual who is required to maintain the ability to intervene under Subsection 63G-18-304(3) in the operation of an unmanned aircraft system that is running autonomously;

(ii) except as used in Section 63G-18-305, a supervising operator; and

(iii) a commercial operator.

(4) "Supervising operator" means a competent individual who:

(a) is at least 17 years of age;

(b) is capable of operating the unmanned aircraft system; and

(c) is in close enough proximity to a private operator to take control of the unmanned aircraft system, if necessary.

(5) "Mode of transportation" means a device or animal in, on, or by which a person may be transported.

Section 17. Section **63G-18-303** is enacted to read:

### **63G-18-303. Applicability.**

This part does not:

(1) regulate a public entity's operation of an unmanned aircraft system, including the federal government's operation of an unmanned aircraft system; or

(2) apply to an unmanned aircraft that weighs less than 0.55 pounds.

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

### **63G-18-304. Operator qualifications -- General safety requirements.**

(1) Before a private operator operates an unmanned aircraft system, the private operator shall:

(a) examine the unmanned aircraft system to ensure that the unmanned aircraft system operates properly;

(b) ensure that weather conditions will allow for the safe operation of the unmanned aircraft;

(c) comply with all applicable federal laws and Federal Aviation Administration rules;



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(d) ensure that the location for the takeoff, flight, and landing of the unmanned aircraft is adequate for the safe operation of the unmanned aircraft; and

(e) establish proper measures to mitigate the harm that could result from a malfunction of the unmanned aircraft system.

(2) While a private operator operates an unmanned aircraft system, the private operator:

(a) shall immediately terminate the flight of the unmanned aircraft controlled by the unmanned aircraft system if conditions change so that the requirements described in Subsection (1) cannot be satisfied;

(b) shall, except as provided in Subsection (3), maintain complete, real-time control of the unmanned aircraft;

(c) shall comply with all applicable federal laws and Federal Aviation Administration rules; and

(d) may not use the unmanned aircraft system to commit:

(i) criminal trespass under Section 76-6-206;

(ii) a privacy violation under Section 76-9-402;

(iii) reckless endangerment under Section 76-5-112;

(iv) a stalking violation under Section 76-5-106.5; or

(v) cruelty to an animal under Section 76-9-301.

(3) A private operator who operates an unmanned aircraft autonomously is not required to maintain complete, real-time control under Subsection (2)(b) of the unmanned aircraft if the private operator:

(a) during the entire time the unmanned aircraft operates autonomously, maintains a continuous ability to override the autonomous function of the unmanned aircraft to assume complete control of the unmanned aircraft; and

(b) maintains continuous line of sight with the unmanned aircraft.

(4) (a) A private operator may not operate an unmanned aircraft system unless the private operator has, in the private operator's immediate possession, a certificate of registration issued by the Federal Aviation Administration for the unmanned aircraft system.

(b) A private operator shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the representative or the officer with the

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certificate of registration described in Subsection (4)(a).

(c) A private operator who violates Subsection (4)(b) is guilty of an infraction.

(5) (a) An unmanned aircraft system that is operated by a commercial operator is required to be covered under an unmanned aircraft liability policy in accordance with Section 63G-18-504.

(b) An unmanned aircraft system that is operated by a private operator is not required to be covered under an unmanned aircraft liability policy, unless the private operator is a commercial operator.

Section 19. Section **63G-18-305** is enacted to read:

### **63G-18-305. Age requirements for operation -- Penalties.**

(1) As used in this section, "private operator" does not include a supervising operator.

(2) (a) Except as provided in Subsection (2)(b), a private operator is required to be at least 17 years of age.

(b) A private operator who is less than 17 years of age and who is not a commercial operator may operate an unmanned aircraft system if the private operator:

(i) is under the direct supervision of a supervising operator; or

(ii) operates the unmanned aircraft system:

(A) while the private operator is on property that is owned by the parent or legal guardian of the private operator; and

(B) in a manner that causes an unmanned aircraft to fly exclusively over the property described in Subsection (2)(b)(ii)(A).

(3) (a) A supervising operator shall have, in the supervising operator's immediate possession, identification, issued by a governmental entity, that contains the supervising operator's photograph and age or date of birth.

(b) A supervising operator shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the representative or the officer with the identification described in Subsection (3)(a).

(4) (a) A private operator who operates an unmanned aircraft system and who does not comply with the requirements of Subsection (2) is guilty of an infraction.

(b) A supervising operator who violates Subsection (3) is guilty of an infraction.

Section 20. Section **63G-18-306** is enacted to read:

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### **63G-18-306. Height restriction -- Penalties.**

(1) A private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly more than 400 feet above ground level.

(2) A private operator who violates Subsection (1) is guilty of a class B misdemeanor.

Section 21. Section **63G-18-307** is enacted to read:

### **63G-18-307. Airspeed restriction -- Penalties.**

(1) Except as provided in Subsection (2), a private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to exceed an airspeed of 100 miles per hour.

(2) A private operator may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to exceed an airspeed of 100 miles per hour if:

(a) (i) a national nonprofit organization recognized by the Federal Aviation Administration as having authority to provide guidance and waivers on unmanned aircraft provides a written statement to the operator stating that operation of the unmanned aircraft at an airspeed greater than 100 miles per hour is authorized by the organization; or

(ii) the private operator receives written approval from the Federal Aviation Administration to operate the unmanned aircraft at an airspeed greater than 100 miles per hour; and

(b) the private operator has, in the private operator's immediate possession, the statement described in Subsection (2)(a)(i) or the approval described in Subsection (2)(a)(ii).

(3) A private operator who operates an unmanned aircraft under a statement or approval described in Subsection (2) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the statement or approval to the representative or officer.

(4) A private operator who violates:

(a) Subsection (1) is guilty of a class B misdemeanor; or

(b) Subsection (3) is guilty of an infraction.

Section 22. Section **63G-18-308** is enacted to read:

### **63G-18-308. Weight restriction -- Penalties.**

(1) A private operator may not operate an unmanned aircraft with a gross takeoff weight of more than 55 pounds unless:

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(a) (i) a national nonprofit organization recognized by the Federal Aviation Administration as having authority to provide guidance and waivers on unmanned aircraft provides a written statement to the operator stating that operation of the unmanned aircraft that weighs more than 55 pounds is authorized by the organization; or

(ii) the private operator receives written approval to operate the unmanned aircraft from the Federal Aviation Administration; and

(b) the private operator has, in the private operator's immediate possession, the statement described in Subsection (1)(a)(i) or the approval described in Subsection (1)(a)(ii).

(2) A private operator who operates an unmanned aircraft under a statement or approval described in Subsection (1) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the statement or approval to the representative or officer.

(3) A private operator who violates Subsection (1) or (2) is guilty of an infraction.

Section 23. Section **63G-18-309** is enacted to read:

### **63G-18-309. Identification affixed to unmanned aircraft -- Penalties.**

(1) A private operator may not operate an unmanned aircraft unless the unmanned aircraft has the unmanned aircraft owner's name, mailing address, telephone number, and Federal Aviation Administration registration number permanently affixed to the outside of the unmanned aircraft.

(2) A private operator who violates Subsection (1) is guilty of an infraction.

Section 24. Section **63G-18-310** is enacted to read:

### **63G-18-310. Weaponizing unmanned aircraft -- Penalties.**

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

(i) a firearm; or

(ii) an object that in the manner of the object's use or intended use is capable of causing death or serious bodily injury.

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

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

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

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

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

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

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

(2) An individual is guilty of weaponizing an unmanned aircraft if the individual:

(a) attaches a weapon to an unmanned aircraft; or

(b) uses an unmanned aircraft to carry a weapon.

(3) Weaponizing an unmanned aircraft is a class B misdemeanor.

Section 25. Section **63G-18-311** is enacted to read:

### **63G-18-311. Propulsion mechanisms for unmanned aircraft -- Penalties.**

(1) A private operator may not operate an unmanned aircraft that uses:

(a) hydrogen gas for propulsion or lift; or

(b) except as provided in Subsection (2), metal blade propellers.

(2) Notwithstanding Subsection (1), an unmanned aircraft may use metal blade propellers if:

(a) a national nonprofit organization recognized by the Federal Aviation Administration as having authority to provide guidance and waivers on unmanned aircraft provides a written statement to the private operator stating that operation of the unmanned aircraft with metal blade propellers is authorized by the organization; and

(b) the private operator has, in the private operator's immediate possession, the statement described in Subsection (2)(a).

(3) A private operator who operates an unmanned aircraft under a statement described in Subsection (2)(a) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the statement or approval to the representative or officer.

(4) A private operator who violates Subsection (3) is guilty of an infraction.

Section 26. Section **63G-18-312** is enacted to read:

### **63G-18-312. Unmanned aircraft operation outside daylight hours.**

A private operator may not operate an unmanned aircraft system after sunset or before sunrise unless the unmanned aircraft flown through the system is equipped with, and operates using, an onboard lighting system that is visible, without aid, from at least 300 feet in all

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directions.

Section 27. Section **63G-18-313** is enacted to read:

### **63G-18-313. Operation of multiple unmanned aircraft -- Penalties.**

(1) A private operator may not:

(a) operate more than one unmanned aircraft at the same time, regardless of whether one or more of the unmanned aircraft operates autonomously; or

(b) operate an unmanned aircraft at the same time the private operator operates or controls a mode of transportation, regardless of whether the unmanned aircraft operates autonomously.

(2) A private operator who violates Subsection (1) is guilty of an infraction.

Section 28. Section **63G-18-314** is enacted to read:

### **63G-18-314. Interference with unmanned aircraft or operator.**

(1) Except as provided in Subsection (2), an individual may not interfere with the operation of an unmanned aircraft system by:

(a) intentionally obscuring the operator's line of sight;

(b) interfering with the operator's interaction with the unmanned aircraft system;

(c) intentionally distracting the operator from the operation of the unmanned aircraft system; or

(d) knowingly creating a radio frequency signal that might interfere with the operation of the unmanned aircraft system.

(2) An individual may interfere with the operation of an unmanned aircraft system:

(a) to take necessary action to eliminate an immediate threat of an unmanned aircraft striking an individual; or

(b) if the individual is a law enforcement officer, to eliminate an immediate threat an unmanned aircraft poses to an individual's body or property.

(3) An individual who violates Subsection (1) is guilty of:

(a) an infraction if the interference does not cause damage to the unmanned aircraft, damage to property, or bodily harm to an individual; or

(b) a class B misdemeanor if the interference causes damage to the unmanned aircraft, damage to property, or bodily harm to an individual.

Section 29. Section **63G-18-315** is enacted to read:

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### **63G-18-315. Unmanned aircraft in prohibited airspace -- Penalties.**

(1) Except as provided in Subsection (2), a private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly in airspace designated by the Federal Aviation Administration as:

- (a) Class B, Class C, or Class D airspace;
- (b) a restricted area under 14 C.F.R. Chapter 1, Subchapter E, Part 73, Subpart B; or
- (c) a prohibited area under 14 C.F.R. Chapter 1, Subchapter E, Part 73, Subpart C.

(2) A private operator may operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly in airspace described in Subsection (1) if the private operator:

(a) receives written approval for the operation from the entity controlling the airspace described in Subsection (1); and

(b) has, in the private operator's immediate possession, the written approval described in Subsection (2)(a).

(3) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (2) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the written approval to the representative or officer.

(4) A private operator who violates:

- (a) Subsection (1) is guilty of a class B misdemeanor; or
- (b) Subsection (3) is guilty of an infraction.

Section 30. Section **63G-18-316** is enacted to read:

### **63G-18-316. Unmanned aircraft in proximity to airports.**

(1) A private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within five miles of an airport unless the private operator:

(a) receives written approval from the airport operator authorizing the flight of the unmanned aircraft within five miles of the airport; and

(b) has, in the private operator's immediate possession, the written approval described in Subsection (1)(a).

(2) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (1)(a) shall, upon request from a representative of the Federal

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Aviation Administration or a law enforcement officer, provide the written approval to the representative or officer.

(3) A private operator who violates:

(a) Subsection (1)(a) is guilty of a class B misdemeanor; or

(b) Subsection (1)(b) or (2) is guilty of an infraction.

Section 31. Section **63G-18-317** is enacted to read:

**63G-18-317. Unmanned aircraft in federally prohibited areas -- Penalties.**

(1) Except as provided in Subsection (2), a private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly:

(a) within an area under a temporary flight restriction designated by the Federal Aviation Administration; or

(b) in violation of a notice to airmen issued by the Federal Aviation Administration.

(2) A private operator may operate an unmanned aircraft system in a manner prohibited under Subsection (1) if the private operator:

(a) receives written approval from the Federal Aviation Administration; and

(b) has, in the private operator's immediate possession, the written approval described in Subsection (2)(a).

(3) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (2) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the approval to the representative or officer.

(4) A private operator who violates:

(a) Subsection (1) is guilty of a class B misdemeanor; or

(b) Subsection (3) is guilty of an infraction.

Section 32. Section **63G-18-318** is enacted to read:

**63G-18-318. Unmanned aircraft in state protected areas -- Penalties.**

(1) Except as provided in Subsection (2), a private operator may not operate an unmanned aircraft system so that an unmanned aircraft flies:

(a) within 1,000 feet of the grounds upon which the Utah State Capitol is located;

(b) in the airspace above the grounds upon which the Utah State Capitol is located;

(c) within 1,000 feet of the governor's mansion; or



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(d) within 500 feet of an occupied structure that is more than 150 feet tall.

(2) A private operator may operate an unmanned aircraft system so that an unmanned aircraft flies within an area prohibited under Subsection (1) if the private operator:

(a) receives written approval from the Department of Public Safety; and

(b) has, in the private operator's immediate possession, the written approval described in Subsection (2)(a).

(3) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (2) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the written approval to the representative or officer.

(4) A private operator who violates:

(a) Subsection (1) is guilty of a class C misdemeanor; or

(b) Subsection (3) is guilty of an infraction.

Section 33. Section **63G-18-319** is enacted to read:

### **63G-18-319. Unmanned aircraft and correctional facilities -- Penalties.**

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

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

(b) a facility operated by a municipality or a county to house or detain criminal offenders; or

(c) a juvenile detention facility.

(2) A private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within 1,000 feet of a correctional facility, or the airspace over a correctional facility, unless the private operator:

(a) receives written approval for the operation from the entity managing the operation of the correctional facility; and

(b) has, in the private operator's immediate possession, the written approval described in Subsection (2)(a).

(3) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (2) shall, upon request from one of the following individuals,

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provide the written approval to the individual:

- (a) a representative of the Federal Aviation Administration;
- (b) a law enforcement officer; or
- (c) an employee of the entity managing the operation of the correctional facility.
- (4) A private operator who violates:
  - (a) Subsection (1) is guilty of a class B misdemeanor; or
  - (b) Subsection (3) is guilty of an infraction.

Section 34. Section **63G-18-320** is enacted to read:

### **63G-18-320. Unmanned aircraft in an enclosure -- Penalties.**

(1) As used in this section:

(a) "Enclosure" means an area wholly or partially inside a manmade structure or natural feature.

(b) "Enclosure" includes the area wholly or partially:

- (i) inside a building or tent;
- (ii) under a bridge, tunnel, overpass, or arch; or
- (iii) in a cave or mine.

(2) A private operator may not operate an unmanned aircraft system so that an unmanned aircraft flies in an enclosure unless the private operator:

(a) obtains written approval from:

- (i) the owner of the enclosure in which the private operator flies the unmanned aircraft;
- (ii) if applicable, the person organizing the event at which the private operator flies the

unmanned aircraft; and

(iii) if required by law, the Federal Aviation Administration in the form of a Certificate of Waiver, Certificate of Authorization, or other exemption; and

(b) has, in the private operator's immediate possession, any written approval described in Subsection (2)(a) obtained by the private operator.

(3) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (2) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the written approval to the representative or officer.

(4) A private operator who violates:

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(a) Subsection (2) is guilty of a class C misdemeanor; or

(b) Subsection (3) is guilty of an infraction.

Section 35. Section **63G-18-321** is enacted to read:

### 63G-18-321. Unmanned aircraft and public schools.

(1) As used in this section:

(a) "Local education agency" means:

(i) a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(b) "School-sponsored activity" means an activity, event, or class that is conducted, managed, or supervised by a local education agency or an organization that is sanctioned by a local education agency.

(2) Except as provided in Subsection (3), a private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly:

(a) (i) over property or a campus on which a local education agency school is located; and

(ii) during a regular school day while class is in session;

(b) over property owned or leased by a local education agency, other than property described in Subsection (2)(a); or

(c) over an ongoing school-sponsored activity.

(3) A private operator may operate an unmanned aircraft system in a manner described in Subsection (2) if the private operator:

(a) obtains written approval for the operation of the unmanned aircraft system from the local education agency; and

(b) has, in the private operator's immediate possession, the written approval described in Subsection (3)(a).

(4) A private operator who operates an unmanned aircraft system under a written approval described in Subsection (3) shall, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, provide the written approval to the representative or officer.

(5) A private operator who knowingly violates this section is guilty of an infraction.

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Section 36. Section 63G-18-322 is enacted to read:

~~63G-18-321~~63G-18-322. Unmanned aircraft and emergencies -- Penalties.

(1) As used in this section, "apparent emergency" means that official emergency response personnel have arrived at the scene of an incident.

(2) A private operator may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly over the scene of an apparent emergency, or an area immediately affected by an apparent emergency, unless the operator flies the unmanned aircraft under the direction of the person coordinating the response to the apparent emergency.

(3) A private operator is guilty of a class B misdemeanor if, after receiving a written warning from a law enforcement officer for a violation of Subsection (2), the private operator subsequently violates Subsection (2).

Section ~~36~~37. Section 63G-18-401 is enacted to read:

### **Part 4. Education Institution Operation of Unmanned Aircraft**

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

This part is known as "Education Institution Operation of Unmanned Aircraft."

Section ~~37~~38. Section 63G-18-402 is enacted to read:

**63G-18-402. Definitions.**

As used in this part:

(1) "Educational institution" means:

(a) an educational institution described in Section 53B-1-102 under the state system of higher education; or

(b) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(2) "Educational operator" means an individual who operates an unmanned aircraft system in the individual's official capacity as an employee or representative of an educational institution.

Section ~~38~~39. Section 63G-18-403 is enacted to read:

**63G-18-403. Higher educational institution operation of unmanned aircraft.**

(1) Except as provided in Subsection (4), an educational operator may not operate an unmanned aircraft system unless:

(a) the educational operator has, in the educational operator's immediate possession:

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(i) identification that:

(A) is issued by the educational institution for which the educational operator is operating the unmanned aircraft system;

(B) indicates the educational operator's affiliation with the educational institution; and

(C) contains the educational operator's name and a photograph; and

(ii) a certificate of registration issued by the Federal Aviation Administration for the unmanned aircraft system;

(b) if required by federal law or rule, the educational institution for which the educational operator is operating the unmanned aircraft system has obtained a Certificate of Waiver, Certificate of Authorization, or other exemption from the Federal Aviation Administration that specifically authorizes the operation of the unmanned aircraft system;

(c) the educational operator has, in the educational operator's immediate possession, a copy of any waiver, authorization, or exemption obtained under Subsection (1)(b); and

(d) the educational operator operates the unmanned aircraft system in accordance with any waiver, authorization, or exemption obtained under Subsection (1)(b).

(2) Upon request from a representative of the Federal Aviation Administration or a law enforcement officer, an educational operator shall provide the representative or officer:

(a) the identification described in Subsection (1)(a)(i);

(b) the certificate of registration described in Subsection (1)(a)(ii); or

(c) the waiver, authorization, or exemption described in Subsection (1)(b).

(3) An educational operator who violates Subsection (2) is guilty of an infraction.

(4) Unless required by federal law, an educational operator is not required to comply with this section if the educational operator operates an unmanned aircraft system over property that is owned by the educational institution for which the educational operator operates the unmanned aircraft system.

Section ~~{39}~~40. Section **63G-18-501** is enacted to read:

### **Part 5. Commercial Operation of Unmanned Aircraft**

#### **63G-18-501. Title.**

This part is known as "Commercial Operation of Unmanned Aircraft."

Section ~~{40}~~41. Section **63G-18-502** is enacted to read:

#### **63G-18-502. Definitions.**

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As used in this part, "valid identification" means:

(1) identification that:

(a) is issued by the corporate operator;

(b) indicates the individual's affiliation with the corporate operator; and

(c) contains the individual's name and a photograph; or

(2) a valid driver license or state-issued identification card.

Section ~~{41}~~42. Section **63G-18-503** is enacted to read:

### **63G-18-503. Regulated use of commercial unmanned aircraft.**

(1) A commercial operator may not operate an unmanned aircraft system for commercial purposes, unless:

(a) the commercial operator is at least 17 years of age;

(b) the entity for which the commercial operator is operating the unmanned aircraft system has obtained a Certificate of Waiver, Certificate of Authorization, or other exemption from the Federal Aviation Administration that specifically authorizes the operation of the unmanned aircraft system;

(c) the commercial operator has, in the commercial operator's immediate possession:

(i) valid identification;

(ii) a copy of a Certificate of Waiver, Certificate of Authorization, or other exemption described in Subsection (1)(b); and

(iii) a certificate of registration issued by the Federal Aviation Administration for the unmanned aircraft system;

(d) the commercial operator operates the unmanned aircraft system in accordance with a Certificate of Waiver, Certificate of Authorization, or other exemption described in Subsection (1)(b); and

(e) except as provided in Subsection (3), the commercial operator receives permission from each landowner over which the commercial operator will fly an unmanned aircraft at less than 400 feet above ground.

(2) Upon request from a representative of the Federal Aviation Administration or a law enforcement officer, a commercial operator shall provide the representative or officer:

(a) valid identification;

(b) a Certificate of Waiver, Certificate of Authorization, or other exemption described

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in Subsection (1)(b); or

(c) the certificate of registration described in Subsection (1)(c)(iii).

(3) A commercial operator is not required to obtain permission from a landowner under Subsection (1)(e) to operate an unmanned aircraft at less than 400 feet above ground if an altitude of less than 400 feet above the landowner's property is necessary in order to take off or land at an airport, airfield, or runway.

(4) (a) A commercial operator who violates Subsection (1)(b) is guilty of a class B misdemeanor.

(b) A commercial operator who violates Subsection (2) is guilty of an infraction.

Section ~~42~~43. Section **63G-18-504** is enacted to read:

### **63G-18-504. Liability coverage required for commercial operation.**

(1) Except as provided in Subsection (3), on or after July 1, 2017, a commercial operator may not operate an unmanned aircraft system for commercial purposes unless:

(a) the unmanned aircraft system is covered under a policy of unmanned aircraft liability coverage that complies with the requirements of Section 31A-22-2002; and

(b) the commercial operator has, in the commercial operator's immediate possession, evidence of the unmanned aircraft liability coverage described in Subsection (1)(a).

(2) On or after July 1, 2017, upon request from a representative of the Federal Aviation Administration or a law enforcement officer, a commercial operator shall provide the representative or officer evidence of unmanned aircraft liability coverage described in Subsection (1)(a).

(3) Notwithstanding Subsection (1), a commercial operator may operate an unmanned aircraft system for commercial purposes without obtaining a policy of unmanned aircraft liability coverage if the commercial operator only flies the unmanned aircraft controlled by the unmanned aircraft system:

(a) for agricultural purposes; and

(b) over property owned by the commercial operator or a person with whom the commercial operator has an agreement to operate the unmanned aircraft.

(4) (a) A commercial operator who violates Subsection (1)(a) is guilty of a class B misdemeanor.

(b) A commercial operator who violates Subsection (2) is guilty of an infraction.

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Section ~~{43}~~44. Section 79-4-304 is amended to read:

### **79-4-304. Board rulemaking authority.**

(1) (a) The board may make rules:

(i) governing the use of the state park system;

(ii) to protect state parks and their natural and cultural resources from misuse or damage, including watersheds, plants, wildlife, and park amenities; and

(iii) to provide for public safety and preserve the peace within state parks.

(b) To accomplish the purposes stated in Subsection (1)(a), the board may enact rules that:

(i) close or partially close state parks; ~~[or]~~

(ii) establish use or access restrictions within state parks~~[-]; or~~

(iii) regulate the use of unmanned aircraft over state parks.

(c) Rules made under Subsection (1) may not have the effect of preventing the transfer of livestock along a livestock highway established in accordance with Section 72-3-112.

(2) The board shall adopt appropriate rules governing the collection of charges under Subsection 79-4-203(8).

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~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~