

1 **UNMANNED AIRCRAFT AMENDMENTS**

2 2016 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Don L. Ipson**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the operation of an unmanned aircraft system in a manner that
10 causes an unmanned aircraft to fly within certain wildland fire areas.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies penalties relating to operating an unmanned aircraft system in a manner
14 that causes an unmanned aircraft to fly within certain wildland fire areas;
- 15 ▶ makes it a class A misdemeanor to operate an unmanned aircraft system in a manner
16 that prevents an aircraft, intended for use in containing or controlling a wildland
17 fire, from taking flight;
- 18 ▶ authorizes a judge to order a person convicted under the provisions of this bill to
19 pay restitution;
- 20 ▶ authorizes neutralization of an unmanned aircraft under certain circumstances; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **65A-3-2.5**, as enacted by Laws of Utah 2016, Chapter 101



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

31 Section 1. Section **65A-3-2.5** is amended to read:

32 **65A-3-2.5. Wildland fire and unmanned aircraft.**

33 (1) As used in this section:

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

36 (b) "Neutralize" means to terminate the operation of an unmanned aircraft by:

37 (i) disabling or damaging the unmanned aircraft;

38 (ii) interfering with any portion of the unmanned aircraft system associated with the
39 unmanned aircraft; or

40 (iii) otherwise taking control of the unmanned aircraft or the unmanned aircraft system
41 associated with the unmanned aircraft.

42 [~~(b)~~] (c) "Sanctioned entity" includes a person that oversees, is employed by, or is
43 working under the direction of:

44 (i) a government entity;

45 (ii) a telecommunications provider;

46 (iii) a utility provider;

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

48 (v) an insurance provider;

49 (vi) a resource extraction entity;

50 (vii) news media;

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

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

55 [~~(c)~~] (d) "Unmanned aircraft" means an aircraft that is:

56 (i) capable of sustaining flight; and

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

58 [~~(d)~~] (e) "Unmanned aircraft system" means the entire system used to operate an

59 unmanned aircraft, including:

- 60 (i) the unmanned aircraft;
- 61 (ii) communications equipment;
- 62 (iii) navigation equipment;
- 63 (iv) controllers;
- 64 (v) support equipment; and
- 65 (vi) autopilot functionality.

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

73 (3) A person, other than a government official or a government employee acting within
74 the person's capacity as a government official or government employee, that recklessly operates
75 an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area
76 described in Subsection (2) is guilty of:

77 (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor,
78 punishable by imprisonment as provided in Section 76-3-204 and a fine not to exceed \$2,500;

79 (b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, punishable
80 by imprisonment as provided in Section 76-3-204 and a fine not to exceed \$5,000, if the
81 operation of the unmanned aircraft system [~~causes an aircraft being used to contain or control a~~
82 wildland fire to]:

83 (i) causes an aircraft being used to contain or control a wildland fire to drop a payload
84 of water or fire retardant in a location other than the location originally designated for the
85 aircraft to drop the payload; [or]

86 (ii) causes an aircraft being used to contain or control a wildland fire to land without
87 dropping a payload of water or fire retardant in the location originally designated for the
88 aircraft to drop the payload; or

89 (iii) prevents an aircraft, intended for use in containing or controlling a wildland fire,

90 from taking flight;

91 (c) except as provided in Subsection (3)(d), a third degree felony, punishable by
92 imprisonment as provided in Section 76-3-203 and a fine not to exceed \$10,000, if the
93 operation of the unmanned aircraft system causes the unmanned aircraft to come into direct
94 physical contact with a manned aircraft; or

95 (d) a second degree felony, punishable by imprisonment as provided in Section
96 76-3-203 and a fine not to exceed \$15,000, if the operation of the unmanned aircraft is the
97 proximate cause of a manned aircraft colliding with the ground, a structure, or another manned
98 aircraft.

99 (4) A judge may require a person convicted of a violation under Subsection (3) to pay
100 restitution in an amount equal to damages resulting from the violation, including damages to
101 person or property, the costs of a flight, and any loss of fire retardant.

102 [~~(4)~~] (5) The incident commander of a wildland fire shall grant reasonable access to the
103 area of, and within three miles of, the wildland fire to a sanctioned entity if:

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

106 (b) the access can be granted, with reasonable restrictions, without imposing a safety
107 risk or impairing efforts to control the wildland fire.

108 (6) The chief law enforcement officer for a jurisdiction located in an area described in
109 Subsection (2) or the incident commander of a wildland fire may neutralize or authorize
110 another to neutralize an unmanned aircraft that is flying in an area described in Subsection (2)
111 if the chief law enforcement officer or the incident commander determines that the
112 neutralization is reasonably necessary to terminate a violation described in Subsection (3).

113 [~~(5)~~] (7) A political subdivision of the state, or an entity within a political subdivision
114 of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned
115 aircraft in relation to a wildland fire.

116 Section 2. **Effective date.**

117 If approved by two-thirds of all the members elected to each house, this bill takes effect
118 upon approval by the governor, or the day following the constitutional time limit of Utah
119 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
120 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel