



- 28           ▶ establishes criminal penalties; and
- 29           ▶ makes technical changes

30 **Money Appropriated in this Bill:**

31           None

32 **Other Special Clauses:**

33           None

34 **Utah Code Sections Affected:**

35 AMENDS:

36           **72-10-109**, as renumbered and amended by Laws of Utah 1998, Chapter 270

37           **76-6-206**, as last amended by Laws of Utah 2015, Chapter 412

38           **76-9-402**, as enacted by Laws of Utah 1973, Chapter 196

39           **76-9-702.7**, as last amended by Laws of Utah 2004, Chapter 52

40 ENACTS:

41           **72-14-103**, Utah Code Annotated 1953

42           **72-14-104**, Utah Code Annotated 1953

43           **72-14-201**, Utah Code Annotated 1953

44           **72-14-202**, Utah Code Annotated 1953

45           **72-14-205**, Utah Code Annotated 1953

46           **72-14-301**, Utah Code Annotated 1953

47           **72-14-302**, Utah Code Annotated 1953

48           **72-14-303**, Utah Code Annotated 1953

49           **72-14-401**, Utah Code Annotated 1953

50           **72-14-402**, Utah Code Annotated 1953

51           **72-14-403**, Utah Code Annotated 1953

52 RENUMBERS AND AMENDS:

53           **72-14-101**, (Renumbered from 63G-18-101, as last amended by Laws of Utah 2016,  
54 Chapter 101)

55           **72-14-102**, (Renumbered from 63G-18-102, as last amended by Laws of Utah 2015,  
56 Chapter 269)

57           **72-14-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015,  
58 Chapter 269)

59 [72-14-204](#), (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015,  
60 Chapter 269)

61 REPEALS:

62 [63G-18-105](#), as last amended by Laws of Utah 2015, Chapter 269



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

65 Section 1. Section **72-10-109** is amended to read:

66 **72-10-109. Certificate of registration of aircraft required -- Exceptions.**

67 (1) (a) A person may not operate, pilot, or navigate, or cause or authorize to be  
68 operated, piloted, or navigated within this state any civil aircraft located in this state unless the  
69 aircraft has a current certificate of registration issued by this state through the county in which  
70 the aircraft is located.

71 (b) This restriction does not apply to aircraft licensed by a foreign country with which  
72 the United States has a reciprocal agreement covering the operations of the registered aircraft  
73 or to a non-passenger-carrying flight solely for inspection or test purposes authorized by the  
74 Federal Aviation Administration to be made without the certificate of registration.

75 (2) Aircraft assessed by the State Tax Commission are exempt from the state  
76 registration requirement under Subsection (1).

77 (3) Unmanned aircraft as defined in Section [72-14-102](#) are exempt from the state  
78 registration requirement under Subsection (1).

79 Section 2. Section **72-14-101**, which is renumbered from Section 63G-18-101 is  
80 renumbered and amended to read:

81 **CHAPTER 14. UNMANNED AIRCRAFT -- DRONES**

82 **Part 1. General Provisions**

83 ~~[63G-18-101].~~ **72-14-101. Title.**

84 This chapter is known as "Unmanned Aircraft -- Drones."

85 Section 3. Section **72-14-102**, which is renumbered from Section 63G-18-102 is  
86 renumbered and amended to read:

87 ~~[63G-18-102].~~ **72-14-102. Definitions.**

88 As used in this chapter:

89 ~~[(1) "Law enforcement agency" means an entity of the state or an entity of a political~~

90 ~~subdivision of the state, including an entity of a state institution of higher education, that exists~~  
91 ~~primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

110 (1) "Airport" means the same as that term is defined in Section [72-10-102](#).

111 (2) "Airport operator" means the same as that term is defined in Section [72-10-102](#).

112 ~~[(5)(a)]~~ (3) "Unmanned aircraft [system]" means an aircraft that is:

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

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

116 ~~[(b)]~~ (4) "Unmanned aircraft system" [does not include an unmanned aircraft that is  
117 flown] means the entire system used to operate an unmanned aircraft, including:

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

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

120 (a) the unmanned aircraft, including payload;

121 (b) communications equipment;

122 (c) navigation equipment;

123 (d) controllers;

124 (e) support equipment; and

125 (f) autopilot functionality.

126 Section 4. Section **72-14-103** is enacted to read:

127 **72-14-103. Preemption of local ordinance.**

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

131 (a) authorized by this chapter; or

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

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

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

138 (2) This chapter supersedes any law, ordinance, or rule enacted by a political  
139 subdivision of the state before July 1, 2017.

140 Section 5. Section **72-14-104** is enacted to read:

141 **72-14-104. Applicability.**

142 The following parts do not apply to a person who operates an unmanned aircraft  
143 system, including for commercial purposes, under a Certificate of Waiver, Certificate of  
144 Authorization, remote pilot certificate with a small unmanned aircraft system rating, or any  
145 other grant of authority obtained from the Federal Aviation Administration that specifically  
146 authorizes the operation of the unmanned aircraft system:

147 (1) Title 72, Chapter 14, Part 3, Unlawful Use of Unmanned Aircraft; and

148 (2) Title 72, Chapter 14, Part 4, Safe Use of Unmanned Aircraft.

149 Section 6. Section **72-14-201** is enacted to read:

150 **Part 2. Law Enforcement Use of Unmanned Aircraft**

151 **72-14-201. Title.**

152 This part is known as "Law Enforcement Use of Unmanned Aircraft."

153 Section 7. Section **72-14-202** is enacted to read:

154 **72-14-202. Definitions.**

155 As used in this part:

156 (1) "Civilian" means a person that is not a law enforcement officer.

157 (2) "Law enforcement agency" means the same as that term is defined in Section  
158 53-3-102.

159 (3) "Law enforcement officer" means the same as that term is defined in Section  
160 53-13-103.

161 (4) "Target" means a person upon whom, or an object, structure, or area upon which,  
162 another person:

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

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

167 Section 8. Section **72-14-203**, which is renumbered from Section 63G-18-103 is  
168 renumbered and amended to read:

169 ~~[63G-18-103].~~ **72-14-203. Unmanned aircraft system use requirements --**  
170 **Exceptions.**

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

173 (a) pursuant to a search warrant;

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

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

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

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

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

180 (2) A nongovernment actor may ~~[only]~~ disclose to a law enforcement officer or agency  
181 data acquired through an unmanned aircraft system [to a law enforcement agency] and a law  
182 enforcement officer or agency may only use the data for law enforcement purposes if:

183 (a) the data appears to pertain to the commission of a crime; or  
 184 (b) the ~~[nongovernment actor]~~ law enforcement agency or officer believes, in good  
 185 faith, that:

186 (i) the data pertains to an imminent or ongoing emergency involving danger of death or  
 187 serious bodily injury to an individual; and  
 188 (ii) disclosing the data would assist in remedying the emergency.

189 (3) A law enforcement agency or officer that obtains, receives, or uses data acquired  
 190 ~~[under Subsection (1)(d) or (e)]~~ through the use of an unmanned aircraft system or through  
 191 Subsection (2) shall destroy the data as soon as reasonably possible after the law enforcement  
 192 agency or officer obtains, receives, or uses the data subject to an applicable retention schedule  
 193 under Title 63G, Chapter 2, Government Records Access and Management Act, or a federal,  
 194 state, or local law.

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

197 Section 9. Section **72-14-204**, which is renumbered from Section 63G-18-104 is  
 198 renumbered and amended to read:

199 ~~**[63G-18-104].**~~ **72-14-204. Data retention.**

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

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

203 (b) in accordance with applicable federal, state, and local laws, shall ensure that data  
 204 described in Subsection (1)(a) is destroyed as soon as reasonably possible after the law  
 205 enforcement agency collects or receives the data.

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

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

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

209 (ii) is requisite for the success of the operation;

210 (b) the law enforcement agency receives the data:

211 (i) through a court order that:

212 (A) requires a person to release the data to the law enforcement agency; or

213 (B) prohibits the destruction of the data; or

- 214 (ii) from a person who is a nongovernment actor;
- 215 (c) (i) the data was collected inadvertently; and
- 216 (ii) the data appears to pertain to the commission of a crime;
- 217 (d) (i) the law enforcement agency reasonably determines that the data pertains to an
- 218 emergency situation; and
- 219 (ii) using or disclosing the data would assist in remedying the emergency; or
- 220 (e) the data was collected through the operation of an unmanned aircraft system over
- 221 public lands outside of municipal boundaries.

222 Section 10. Section **72-14-205** is enacted to read:

223 **72-14-205. Reporting.**

224 (1) As used in this section, "law enforcement encounter" means the same as that term is

225 defined in Section [77-7a-103](#).

226 (2) A law enforcement officer or agency that operates an unmanned aircraft system

227 while on duty or acting in the law enforcement officer's or agency's official capacity, or obtains

228 or receives data in accordance with Section [72-14-203](#), shall document the following in any

229 report or other official record of the law enforcement encounter:

- 230 (a) the presence and use of the unmanned aircraft;
- 231 (b) any data acquired; and
- 232 (c) if applicable, the person from whom data was received in accordance with
- 233 Subsection [72-14-203](#)(2).

234 Section 11. Section **72-14-301** is enacted to read:

235 **Part 3. Unlawful Use of Unmanned Aircraft**

236 **72-14-301. Title.**

237 This part is known as "Unlawful Use of Unmanned Aircraft."

238 Section 12. Section **72-14-302** is enacted to read:

239 **72-14-302. Reserved.**

240 Reserved.

241 Section 13. Section **72-14-303** is enacted to read:

242 **72-14-303. Weapon attached to unmanned aircraft -- Penalties.**

- 243 (1) As used in this section "weapon" means:
- 244 (a) a firearm as described in Section [76-10-501](#); or

245 (b) an object that in the manner of the object's use or intended use is capable of causing  
246 death, bodily injury, or damage to property, as determined according to the following factors:

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

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

249 (iii) the character of the wound, if any, the object is likely cause;

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

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

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

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

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

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

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

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

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

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

267 (c) operates the unmanned aircraft that carries the weapon or to which the weapon is  
268 attached in airspace controlled by the United States Department of Defense, with the

269 permission of the United States Department of Defense.

270 Section 14. Section **72-14-401** is enacted to read:

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

272 **72-14-401. Title.**

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

274 Section 15. Section **72-14-402** is enacted to read:

275 **72-14-402. Reserved.**

276 Reserved.

277 Section 16. Section **72-14-403** is enacted to read:

278 **72-14-403. Safe operation of unmanned aircraft.**

279 (1) For purposes of this section, "civil twilight" refers to:

280 (a) a period of time that begins 30 minutes before official sunrise and ends at official  
281 sunrise; and

282 (b) a period of time that begins at official sunset and ends 30 minutes after official  
283 sunset.

284 (2) An individual that operates an unmanned aircraft system to fly an unmanned  
285 aircraft for recreational purposes shall comply with this section and 14 C.F.R. Sec. 101,  
286 Subpart E.

287 (3) (a) An individual may not operate an unmanned aircraft for recreational purposes  
288 during night.

289 (b) (i) Unless the unmanned aircraft has lighted anti-collision lighting visible for at  
290 least three miles, an individual may not operate an unmanned aircraft during periods of civil  
291 twilight.

292 (ii) If an unmanned aircraft is equipped with anti-collision lighting as described in  
293 Subsection (3)(b)(i), an individual that is operating during civil twilight may reduce the  
294 intensity of the anti-collision lighting if the operator determines that, because of operating  
295 conditions, it would be in the interest of safety to do so.

296 (4) An individual operating an unmanned aircraft shall:

297 (a) maintain visual line of sight of the unmanned aircraft in order to:

298 (i) know the location of the unmanned aircraft;

299 (ii) determine the attitude, altitude, and direction of flight;

300 (iii) observe the airspace for other air traffic or hazards; and

301 (iv) determine that the unmanned aircraft does not endanger the life or property of  
302 another person;

303 (b) ensure that the ability described in Subsection (4)(a)(i) is exercised by either:

304 (i) the operator of the unmanned aircraft; or

305 (ii) a visual observer.

306 (5) An individual may not operate an unmanned aircraft over a human being unless that

307 human being is:

308 (a) directly participating in the operation of the unmanned aircraft; or

309 (b) located under a covered structure or inside a stationary vehicle that can provide  
310 reasonable protection from a falling unmanned aircraft.

311 (6) An individual may not operate an unmanned aircraft in Class B, Class C, or Class  
312 D airspace or within the lateral boundaries of the surface area of Class E airspace designated  
313 for an airport unless the operator of the unmanned aircraft has prior authorization from Air  
314 Traffic Control.

315 (7) An individual may not operate an unmanned aircraft in a manner that interferes  
316 with operations and traffic patterns at any airport, heliport, or seaplane base.

317 (8) An individual may not operate an unmanned aircraft in prohibited or restricted  
318 areas unless that person has permission from the using or controlling agency, as appropriate.

319 (9) An individual may not operate an unmanned aircraft in violation of a notice to  
320 airmen described in 14 C.F.R. Sec. 107.47.

321 (10) An individual may not operate an unmanned aircraft at an altitude that is higher  
322 than 400 feet above ground level unless the unmanned aircraft:

323 (a) is flown within a 400-foot radius of a structure; and

324 (b) does not fly higher than 400 feet above the structure's immediate uppermost limit.

325 (11) (a) An individual who violates this section is liable for any damages that may  
326 result from the violation.

327 (b) A law enforcement officer shall issue a written warning to an individual who  
328 violates this section who has not previously received a written warning for a violation of this  
329 section.

330 (c) Except as provided in Subsection (11)(d), an individual who violates this section  
331 after receiving a written warning for a previous violation of this section is guilty of an  
332 infraction.

333 (d) An individual who violates this section is guilty of a class B misdemeanor for each  
334 conviction of a violation of this section after the individual is convicted of an infraction or a  
335 misdemeanor for a previous violation of this section.

336 Section 17. Section **76-6-206** is amended to read:

337 **76-6-206. Criminal trespass.**

338 (1) As used in this section~~[-,"enter"]~~:

339 (a) "Enter" means intrusion of the entire body[-] or the entire unmanned aircraft.

340 (b) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining  
341 on or over private property when:

342 (i) the private property or any portion of the private property is not open to the public;  
343 and

344 (ii) the person operating the unmanned aircraft is not otherwise authorized to fly the  
345 unmanned aircraft over the private property or any portion of the private property.

346 (2) A person is guilty of criminal trespass if, under circumstances not amounting to  
347 burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section  
348 76-10-2402 regarding commercial obstruction:

349 (a) the person enters or remains unlawfully on or causes an unmanned aircraft to enter  
350 and remain unlawfully over property and:

351 (i) intends to cause annoyance or injury to any person or damage to any property,  
352 including the use of graffiti as defined in Section 76-6-107;

353 (ii) intends to commit any crime, other than theft or a felony; or

354 (iii) is reckless as to whether ~~[his]~~ the person's or unmanned aircraft's presence will  
355 cause fear for the safety of another;

356 (b) knowing the person's or unmanned aircraft's entry or presence is unlawful, the  
357 person enters or remains on ~~[property as]~~ or causes an unmanned aircraft to enter or remain  
358 unlawfully over property to which notice against entering is given by:

359 (i) personal communication to the ~~[actor]~~ person by the owner or someone with  
360 apparent authority to act for the owner;

361 (ii) fencing or other enclosure obviously designed to exclude intruders; or

362 (iii) posting of signs reasonably likely to come to the attention of intruders; or

363 (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).

364 (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless ~~[it was]~~  
365 the violation is committed in a dwelling, in which event [it] the violation is a class A  
366 misdemeanor.

367 (b) A violation of Subsection (2)(c) is an infraction.

368 (4) It is a defense to prosecution under this section that:

- 369 (a) the property was at the time open to the public; and
- 370 (b) the actor complied with all lawful conditions imposed on access to or remaining on
- 371 the property.

372 Section 18. Section **76-9-402** is amended to read:

373 **76-9-402. Privacy violation.**

374 (1) A person is guilty of privacy violation if, except as authorized by law, ~~he~~ the

375 person:

376 (a) trespasses on property with intent to subject anyone to eavesdropping or other

377 surveillance in a private place; ~~or~~

378 (b) ~~Installs in any~~ installs, or uses after unauthorized installation in a private place,

379 without the consent of the person or persons entitled to privacy [there] in the private place, any

380 device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or

381 events in the ~~[place or uses any such unauthorized installation]~~ private place; or

382 (c) installs or uses outside of a private place ~~any~~ a device for observing,

383 photographing, hearing, recording, amplifying, or broadcasting sounds or events originating in

384 the private place which would not ordinarily be audible, visible or comprehensible outside the

385 private place, without the consent of the person or persons entitled to privacy ~~there~~ in the

386 private place.

387 (2) Privacy violation is a class B misdemeanor.

388 Section 19. Section **76-9-702.7** is amended to read:

389 **76-9-702.7. Voyeurism offenses -- Penalties.**

390 (1) A person is guilty of voyeurism who intentionally uses ~~[a camcorder, motion~~

391 ~~picture camera, photographic camera of any type, or other equipment that is concealed or~~

392 ~~disguised to secretly or surreptitiously videotape, film, photograph, record, or view by~~

393 ~~electronic means an individual]~~ any type of technology to secretly or surreptitiously record

394 video of a person:

395 (a) for the purpose of viewing any portion of the individual's body regarding which the

396 individual has a reasonable expectation of privacy, whether or not that portion of the body is

397 covered with clothing;

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

399 (c) under circumstances in which the individual has a reasonable expectation of

400 privacy.

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

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

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

410 (a) with the intent of viewing any portion of the individual's body regarding which the  
411 individual has a reasonable expectation of privacy, whether or not that portion of the body is  
412 covered with clothing;

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

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

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

418 Section 20. **Repealer.**

419 This bill repeals:

420 Section **63G-18-105, Reporting.**

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**