

SB0024S01 compared with SB0024

~~{deleted text}~~ shows text that was in SB0024 but was deleted in SB0024S01.

inserted text shows text that was not in SB0024 but was inserted into SB0024S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

ADVANCED AIR MOBILITY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

~~{Committee Note:~~

~~——— The Transportation Interim Committee recommended this bill.~~

~~——— Legislative Vote: 15 voting for 0 voting against 3 absent~~

~~{General Description:~~

This bill amends and enacts provisions related to advanced air mobility systems.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ renumbers and amends provisions related to unmanned aircraft systems and organizes those provisions with code related to the Division of Aeronautics;
- ▶ amends the powers of the Division of Aeronautics to include oversight of vertiports and other topics related to advanced air mobility systems;

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- ▶ requires registration of unmanned aircraft systems and advanced air mobility systems;
- ▶ grants rulemaking authority to the Department of Transportation to make rules related to registration fees and registration requirements for unmanned aircraft systems and advanced air mobility systems;
- ▶ enacts and amends provisions related to preemption of local ordinances and business licensing of advanced air mobility business; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-10-102, as last amended by Laws of Utah 2019, Chapters 431, 479

72-10-103, as last amended by Laws of Utah 2019, Chapter 431

72-10-109, as last amended by Laws of Utah 2018, Chapter 436

72-10-110, as last amended by Laws of Utah 2018, Chapter 436

76-2-106, as enacted by Laws of Utah 2022, Chapter 93

76-9-308, as last amended by Laws of Utah 2022, Chapter 99

ENACTS:

72-10-1001, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

72-10-701, (Renumbered from 72-14-103, as last amended by Laws of Utah 2022, Chapter 99)

72-10-702, (Renumbered from 72-14-104, as enacted by Laws of Utah 2017, Chapter 364)

72-10-801, (Renumbered from ~~72-14-201~~72-14-202, as enacted by Laws of Utah 2017, Chapter 364)

72-10-802, (Renumbered from ~~72-14-202~~72-14-203, as ~~enacted~~last amended by Laws of Utah ~~2017~~2022, Chapter ~~364~~64)

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72-10-803, (Renumbered from ~~{72-14-203}~~72-14-204, as ~~{last}~~renumbered and
amended by Laws of Utah ~~{2022}~~2017, Chapter ~~{64}~~364)

72-10-804, (Renumbered from ~~{72-14-204}~~72-14-205, as ~~{renumbered and~~
amended}enacted by Laws of Utah 2017, Chapter 364)

~~{72-10-805}~~72-10-901, (Renumbered from ~~{72-14-205}~~72-14-302, as enacted by
Laws of Utah 2017, Chapter 364)

~~{72-10-901}~~72-10-902, (Renumbered from ~~{72-14-301}~~72-14-303, as enacted by
Laws of Utah 2017, Chapter 364)

~~{72-10-902}~~72-10-903, (Renumbered from ~~{72-14-302}~~72-14-304, as enacted by
Laws of Utah ~~{2017}~~2018, Chapter ~~{364}~~40)

~~{72-10-903}~~72-10-1002, (Renumbered from ~~{72-14-303}~~72-14-403, as enacted by
Laws of Utah 2017, Chapter 364)

~~{~~ ~~72-10-1001~~, (Renumbered from ~~72-14-401~~, as enacted by Laws of Utah 2017, Chapter
364)

~~————~~ ~~72-10-1002~~, (Renumbered from ~~72-14-402~~, as enacted by Laws of Utah 2017, Chapter
364)

~~————~~ ~~72-10-1003~~, (Renumbered from ~~72-14-403~~, as enacted by Laws of Utah 2017, Chapter
364)

~~}~~REPEALS:

72-14-101, as renumbered and amended by Laws of Utah 2017, Chapter 364

72-14-102, as last amended by Laws of Utah 2022, Chapter 99

72-14-201, as enacted by Laws of Utah 2017, Chapter 364

72-14-301, as enacted by Laws of Utah 2017, Chapter 364

72-14-401, as enacted by Laws of Utah 2017, Chapter 364

72-14-402, as enacted by Laws of Utah 2017, Chapter 364

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

Section 1. Section **72-10-102** is amended to read:

72-10-102. Definitions.

As used in this chapter:

(1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air

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navigation.

(2) (a) "Advanced air mobility system" means a system that transports individuals and property using piloted and unpiloted aircraft, including electric aircraft and electric vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.

(b) "Advanced air mobility system" includes each component of a system described in Subsection (2)(a), including:

- (i) the aircraft, including payload;
- (ii) communications equipment;
- (iii) navigation equipment;
- (iv) controllers;
- (v) support equipment; and
- (vi) remote and autonomous functions.

(3) "Aerial transit corridor" means an airspace volume defining a three-dimensional route segment with performance requirements to operate within or to cross where tactical air traffic control separation services are not provided.

~~(2)~~ (4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or other air navigation facilities.

~~(3)~~ (5) "Aeronautics instructor" means any individual engaged in giving or offering to give instruction in aeronautics, flying, or ground subjects, either with or without:

- (a) compensation or other reward;
- (b) advertising the occupation;
- (c) calling his facilities an air school, or any equivalent term; or
- (d) employing or using other instructors.

~~(4)~~ (6) "Aircraft" means any contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.

~~(5)~~ (7) "Air instruction" means the imparting of aeronautical information by any aviation instructor or in any air school or flying club.

~~(6)~~ (8) "Airport" means any area of land, water, or both, that:

- (a) is used or is made available for landing and takeoff;
- (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of

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passengers and cargo;

(c) meets the minimum requirements established by the department as to size and design, surface, marking, equipment, and operation; and

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

~~[(7)]~~ (9) "Airport authority" means a political subdivision of the state, other than a county or municipality, that is authorized by statute to operate an airport.

~~[(8)]~~ (10) "Airport operator" means a municipality, county, or airport authority that owns or operates a commercial airport.

~~[(9)]~~ (11) (a) "Airport revenue" means:

(i) all fees, charges, rents, or other payments received by or accruing to an airport operator for any of the following reasons:

(A) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport permittees making use of airport property and services, and other parties;

(B) revenue received from the activities of others or the transfer of rights to others relating to the airport, including revenue received:

(I) for the right to conduct an activity on the airport or to use or occupy airport property;

(II) for the sale, transfer, or disposition of airport real or personal property, or any interest in that property, including transfer through a condemnation proceeding;

(III) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural products or water owned by the airport operator to be taken from the airport; and

(IV) for the right to conduct an activity on, or for the use or disposition of, real or personal property or any interest in real or personal property owned or controlled by the airport operator and used for an airport-related purpose but not located on the airport; or

(C) revenue received from activities conducted by the airport operator whether on or off the airport, which is directly connected to the airport operator's ownership or operation of the airport; and

(ii) state and local taxes on aviation fuel.

(b) "Airport revenue" does not include amounts received by an airport operator as passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

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~~(10)~~ (12) "Air school" means any person engaged in giving, offering to give, or advertising, representing, or holding himself out as giving, with or without compensation or other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

~~(11)~~ (13) "Airworthiness" means conformity with requirements prescribed by the Federal Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or accessories.

~~(12)~~ (14) "Civil aircraft" means any aircraft other than a public aircraft.

~~(13)~~ (15) "Commercial aircraft" means aircraft used for commercial purposes.

~~(14)~~ (16) "Commercial airport" means a landing area, landing strip, or airport that may be used for commercial operations.

~~(15)~~ (17) "Commercial flight operator" means a person who conducts commercial operations.

~~(16)~~ (18) "Commercial operations" means:

(a) any operations of an aircraft for compensation or hire or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation is received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, and the operation of aircraft for hunting and fishing; or

(b) the brokering or selling of any of these services; but

(c) does not include any operations of aircraft as common carriers certificated by the federal government or the services incidental to those operations.

(19) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

~~(17)~~ (20) "Dealer" means any person who is actively engaged in the business of flying for demonstration purposes, or selling or exchanging aircraft, and who has an established place of business.

~~(18)~~ (21) "Experimental aircraft" means:

(a) any aircraft designated by the Federal Aviation Administration or the military as experimental and used solely for the purpose of experiments, or tests regarding the structure or

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functioning of aircraft, engines, or their accessories; and

(b) any aircraft designated by the Federal Aviation Administration as:

(i) being custom or amateur built; and

(ii) used for recreational, educational, or display purposes.

~~[(19)]~~ (22) "Flight" means any kind of locomotion by aircraft while in the air.

~~[(20)]~~ (23) "Flying club" means five or more persons who for neither profit nor reward own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

~~[(21)]~~ (24) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power plant.

~~[(22)]~~ (25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls aircraft, engines, or accessories.

~~[(23)]~~ (26) "Parachute jumper" means any person who has passed the required test for jumping with a parachute from an aircraft, and has passed an examination showing that he possesses the required physical and mental qualifications for the jumping.

~~[(24)]~~ (27) "Parachute rigger" means any person who has passed the required test for packing, repairing, and maintaining parachutes.

~~[(25)]~~ (28) "Passenger aircraft" means aircraft used for transporting persons, in addition to the pilot or crew, with or without their necessary personal belongings.

~~[(26)]~~ (29) "Person" means any individual, corporation, limited liability company, or association of individuals.

~~[(27)]~~ (30) "Pilot" means any person who operates the controls of an aircraft while in-flight.

~~[(28)]~~ (31) "Primary glider" means any glider that has a gliding angle of less than 10 to one.

~~[(29)]~~ (32) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision, including the government of the United States, of the District of Columbia, and of any state, territory, or insular possession of the United States, but not including any government-owned aircraft engaged in carrying persons or goods for commercial purposes.

~~[(30)]~~ (33) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in a manner as to endanger the property, life, or body of any person, due regard being given

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to the prevailing weather conditions, field conditions, and to the territory being flown over.

~~[(31)]~~ (34) "Registration number" means the number assigned by the Federal Aviation Administration to any aircraft, whether or not the number includes a letter or letters.

~~[(32)]~~ (35) "Secondary glider" means any glider that has a gliding angle between 10 to one and 16 to one, inclusive.

~~[(33)]~~ (36) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.

(37) "Unmanned aircraft" means an aircraft that is:

(a) capable of sustaining flight; and

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

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

(a) the unmanned aircraft, including payload;

(b) communications equipment;

(c) navigation equipment;

(d) controllers;

(e) support equipment; and

(f) autopilot functionality.

(39) "Unmanned aircraft system traffic management" means a traffic management ecosystem for uncontrolled operations, including unmanned aircraft systems, that is separate from, but complementary to, the Federal Aviation Administration's air traffic management system.

(40) "Vertiport" means an area of land, or a structure, used or intended to be used for electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including associated buildings and facilities.

Section 2. Section **72-10-103** is amended to read:

72-10-103. Rulemaking requirement.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:

(a) governing the establishment, location, and use of air navigation facilities;

(b) regulating the use, licensing, and supervision of all airports and vertiports in this

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state;

(c) establishing minimum standards with which all air navigation facilities, flying clubs, aircraft, gliders, pilots, and airports must comply; and

(d) safeguarding from accident and protecting the safety of persons operating or using aircraft and persons and property on the ground.

(2) The rules may:

(a) require that any device or accessory that forms part of any aircraft or its equipment be certified as complying with this chapter;

(b) limit the use of any device or accessory as necessary for safety; and

(c) develop and promote aeronautics within this state.

(3) (a) To avoid the danger of accident incident to confusion arising from conflicting rules governing aeronautics, the rules shall conform as nearly as possible with federal legislation, rules, regulations, and orders on aeronautics.

(b) The rules may not be inconsistent with paramount federal legislation, rules, regulations, and orders on the subject.

(4) The department may not require any pilot, aircraft, or mechanic who has procured a license under the Civil Aeronautics Authority of the United States to obtain a license from this state, other than required by this chapter.

(5) The department may not make rules that conflict with the regulations of:

(a) the Civil Aeronautics Authority; or

(b) other federal agencies authorized to regulate the particular activity.

(6) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Section 3. Section **72-10-109** is amended to read:

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

(1) (a) A person may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft domiciled in this state unless the aircraft has a current certificate of registration issued by the department.

(b) The restriction described in Subsection (1)(a) does not apply to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the registered aircraft or to a non-passenger-carrying flight solely for inspection

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or test purposes authorized by the Federal Aviation Administration to be made without the certificate of registration.

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

(3) Beginning on January 1, 2024, a person may not operate in this state an unmanned aircraft system or an advanced air mobility aircraft for commercial operation for which certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current certificate of registration issued by the department.

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

Section 4. Section **72-10-110** is amended to read:

72-10-110. Aircraft registration information requirements -- Registration fee -- Administration -- Partial year registration.

(1) All applications for aircraft registration shall contain:

(a) a description of the aircraft, including:

(i) the manufacturer or builder;

(ii) the Federal Aviation Administration aircraft registration number, type, year of manufacture, or if an experimental aircraft, the year the aircraft was completed and certified for air worthiness by an inspector of the Federal Aviation Administration; and

(iii) gross weight;

(b) the name and address of the owner of the aircraft; and

(c) where the aircraft is located, or the address where the aircraft is usually used or based.

(2) (a) Except as provided in Subsection (3) or (4), at the time application is made for registration or renewal of registration of an aircraft under this chapter, an annual registration fee of 0.4% of the average wholesale value of the aircraft shall be paid.

(b) For purposes of calculating the average wholesale value of an aircraft under Subsection (2)(a) or (3)(d), the department shall use the average wholesale value as stated in the Aircraft Bluebook Price Digest.

(c) For an aircraft not listed in the Aircraft Bluebook Price Digest, the department shall calculate the average wholesale value of the aircraft using common industry standards.

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(d) (i) An owner of an aircraft may challenge the department's calculation of the average wholesale value of the aircraft.

(ii) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process for challenging the department's calculation under Subsection (2)(d)(i).

(3) (a) An annual registration fee of \$100 is imposed on an aircraft that is used:

(i) exclusively by an entity that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code, and exempt from property taxation under Title 59, Chapter 2, Property Tax Act; and

(ii) for the emergency transportation of medical patients for at least 95% of its flight time.

(b) An annual registration fee is imposed on an aircraft 60 years or older equal to the lesser of:

(i) \$100; or

(ii) the annual registration fee provided for under Subsection (2)(a).

(c) (i) Except as provided in Subsection (3)(c)(iii), an owner of an aircraft shall apply for a certificate of registration described in Section 72-10-109, if the aircraft:

(A) is in the manufacture, construction, fabrication, assembly, or repair process;

(B) is not complete; and

(C) does not have a valid airworthiness certificate.

(ii) An aircraft described in Subsection (3)(c)(i) is exempt from the annual registration fee described in Subsection (2)(a).

(iii) The registration requirement described in Subsection (3)(c)(i) does not apply to an aircraft that, in accordance with Section 59-12-104, is exempt from the taxes imposed under Title 59, Chapter 12, Sales and Use Tax Act.

(d) An annual registration fee of .25% of the average wholesale value of the aircraft is imposed on an aircraft if the aircraft is:

(i) used by an air charter service for air charter; and

(ii) owned by a person other than the air charter service.

(e) The annual registration fee required in this section is due on December 31 of each year.

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(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to establish and administer a registration fee for an unmanned aircraft system or an advanced air mobility system registered pursuant to Subsection 72-10-109(3).

(b) The rules made pursuant to Subsection (4)(a) regarding registration and applicable fees for an unmanned aircraft system or an advanced air mobility system may include:

(i) a system for classifying unmanned aircraft systems or an advanced air mobility systems;

(ii) technical guidance for complying with state and federal law;

(iii) criteria under which the department may suspend or revoke registration;

(iv) criteria under which the department may waive registration requirements for an applicant currently holding a valid license or permit to operate unmanned aircraft systems issued by another state or territory of the United States, the District of Columbia, or the United States; and

(v) other rules regarding operation as determined by the department.

~~[(4)]~~ (5) (a) The department shall provide a registration card to an owner of an aircraft if:

(i) the owner complies with the registration requirements of this section; and

(ii) the owner of the aircraft states that the aircraft has a valid airworthiness certificate.

(b) An owner of an aircraft shall carry the registration card in the registered aircraft.

~~[(5)]~~ (6) The registration fees assessed under this chapter shall be collected by the department to be distributed as provided in Subsection ~~[(6)]~~ (7).

~~[(6)]~~ (7) After deducting the costs of administering all aircraft registrations under this chapter, the department shall deposit all remaining aircraft registration fees ~~[m]~~ into the Aeronautics Restricted Account created by Section 72-2-126.

~~[(7)]~~ (8) Aircraft which are initially registered under this chapter for less than a full calendar year shall be charged a registration fee which is reduced in proportion to the fraction of the calendar year during which the aircraft is registered in this state.

~~[(8)]~~ (9) (a) For purposes of this section, an aircraft based at the owner's airport means an aircraft that is hangared, tied down, or parked at an owner's airport for a plurality of the year.

(b) Semi-annually, an owner or operator of an airport open to public use, or of an

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airport that receives grant funding from the state, shall provide a list of all aircraft based at the owner's airport to the department.

~~[(9)]~~ (10) The department shall maintain a statewide database of all aircraft based within the state.

~~[(10)]~~ (11) The department may suspend or revoke a registration if the department determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand.

Section 5. Section **72-10-701**, which is renumbered from Section 72-14-103 is renumbered and amended to read:

Part 7. Unmanned Aircraft -- Drones

~~[72-14-103].~~ **72-10-701. Preemption of local ordinance -- Business licensing.**

(1) As used in this section, "advanced air mobility business" means a business that operates an unmanned aircraft system or an advanced air mobility system for a commercial purpose that is required to obtain a certificate pursuant to 14 C.F.R. Part 107 or 135.

~~[(1)]~~ (2) A political subdivision of the state, or an entity within a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft or the private use of an advanced air mobility system, unless:

(a) authorized by this chapter; or

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

(i) the operation of an unmanned aircraft or an advanced air mobility system within the geographic boundaries of the airport over which the airport operator has authority; or

(ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an advanced air mobility system at the airport over which the airport operator has authority.

(3) (a) Subject to the provisions of this chapter, a political subdivision may require an advanced air mobility business to obtain a business license if the advanced air mobility business does not hold a current business license in good standing from another political subdivision in the state.

(b) A political subdivision may only charge a licensing fee to an advanced air mobility business in an amount that reimburses the political subdivision for the actual cost of processing

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the business license.

(4) A political subdivision may not:

(a) require an advanced air mobility business to:

(i) obtain a separate business license beyond the initial business license described in

Subsection (3)(a);

(ii) pay a fee other than the fee for the initial business license described in Subsection (3); or

(iii) pay a fee for each employee the advanced air mobility business employs; or

(b) regulate or restrict the size of an advanced air mobility business.

(5) A political subdivision shall recognize as valid within the political subdivision the business license of an advanced air mobility business obtained in another political subdivision within the state, if the business license is current and in good standing.

~~[(2)]~~ (6) This chapter supersedes any law, ordinance, or rule enacted by a political subdivision of the state before July 1, ~~[2017]~~ 2022.

Section 6. Section **72-10-702**, which is renumbered from Section 72-14-104 is renumbered and amended to read:

~~[72-14-104].~~ **72-10-702. Applicability.**

This chapter does not apply to a person or business entity:

(1) using an unmanned aircraft for legitimate educational or business purposes; and

(2) operating the unmanned aircraft system in a manner consistent with applicable

Federal Aviation Administration rules, exemptions, or other authorizations.

Section 7. Section **72-10-801**, which is renumbered from Section ~~{72-14-201}~~ **72-14-202** is renumbered and amended to read:

Part 8. Law Enforcement Use of Unmanned Aircraft

~~[{72-14-201}72-14-202].~~ **72-10-801. Title.**

~~————~~ **This part is known as "Law Enforcement Use of Unmanned Aircraft."**

~~————~~ **Section 8. Section 72-10-802, which is renumbered from Section 72-14-202 is renumbered and amended to read:**

~~————~~ **[72-14-202].** **72-10-802. Definitions.**

As used in this part:

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

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

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

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

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

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

Section ~~{9}~~8. Section ~~{72-10-803}~~72-10-802, which is renumbered from Section 72-14-203 is renumbered and amended to read:

~~[72-14-203]~~. ~~{72-10-803}~~72-10-802. **Unmanned aircraft system use requirements -- Exceptions.**

(1) A law enforcement agency or officer 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) subject to Subsection (2), from a person who is a nongovernment actor;
- (d) to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy; or
- (e) for purposes unrelated to a criminal investigation.

(2) A law enforcement officer or agency may only use for law enforcement purposes data obtained from a nongovernment actor if:

- (a) the data appears to pertain to the commission of a crime; or
- (b) the law enforcement agency or officer 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 or officer that obtains, receives, or uses data acquired through the use of an unmanned aircraft system or through Subsection (2) shall destroy the data

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as soon as reasonably possible after the law enforcement agency or officer obtains, receives, or uses the data subject to an applicable retention schedule under Title 63G, Chapter 2, Government Records Access and Management Act, or a federal, state, or local law.

(4) This section applies to any imaging surveillance device, as defined in Section 77-23d-102, when used in conjunction with an unmanned aircraft system.

Section ~~{10}9~~. Section ~~{72-10-804}~~72-10-803, which is renumbered from Section 72-14-204 is renumbered and amended to read:

~~[72-14-204]~~. ~~{72-10-804}~~72-10-803. **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) in accordance with applicable federal, state, and local laws, 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

(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 ~~{11}10~~. Section ~~{72-10-805}~~72-10-804, which is renumbered from Section

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72-14-205 is renumbered and amended to read:

~~[72-14-205].~~ ~~72-10-805~~72-10-804. **Reporting.**

(1) As used in this section, "law enforcement encounter" means the same as that term is defined in Section 77-7a-103.

(2) A law enforcement officer or agency that operates an unmanned aircraft system while on duty or acting in the law enforcement officer's or agency's official capacity, or obtains or receives data in accordance with Section ~~[72-14-203]~~ ~~72-10-803~~72-10-802, shall document the following in any report or other official record of the law enforcement encounter:

- (a) the presence and use of the unmanned aircraft;
- (b) any data acquired; and
- (c) if applicable, the person from whom data was received in accordance with

Subsection ~~[72-14-203(2).]~~ ~~72-10-803~~72-10-802(2).

Section ~~{12}~~11. Section **72-10-901**, which is renumbered from Section ~~72-14-301~~72-14-302 is renumbered and amended to read:

Part 9. Unlawful Use of Unmanned Aircraft

~~[{72-14-301}72-14-302].~~ **72-10-901.**~~{Title:~~

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

~~Section 13. Section 72-10-902, which is renumbered from Section 72-14-302 is renumbered and amended to read:~~

~~[72-14-302].~~ ~~72-10-902.~~ **Definitions.**

~~[Reserved:]~~ ~~{ }~~As used in this part, "weapon" means:

(1) a firearm as that term is defined in Section 76-10-501; or

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

- (a) the location and circumstances in which the object is used or possessed;
- (b) the primary purpose for which the object is made;
- (c) the character of the damage, if any, the object is likely to cause;
- (d) the manner in which the object is used;
- (e) whether the manner in which the object is used or possessed constitutes a potential

imminent threat to public safety; and

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

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Section ~~{14}~~12. Section ~~{72-10-903}~~72-10-902, which is renumbered from Section 72-14-303 is renumbered and amended to read:

~~[72-14-303].~~ ~~{72-10-903}~~72-10-902. **Weapon attached to unmanned aircraft -- Penalties.**

~~[(1) As used in this section "weapon" means:]~~

~~[(a) a firearm as described in Section 76-10-501; or]~~

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

~~[(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 damage, if any, the object is likely to cause;]~~

~~[(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)]~~ (1) (a) Except as provided in Subsection ~~[(3)]~~, (2), a person may not fly an unmanned aircraft that carries a weapon or to which a weapon is attached.

(b) A person that violates Subsection ~~[(2)(a)]~~ (1)(a) is guilty of a class B misdemeanor.

~~[(3)]~~ (2) A person may fly an unmanned aircraft that carries a weapon or to which a weapon is attached if the person:

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

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

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

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

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

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permission of the United States Department of Defense.

~~{ 72-14-304. Unlawful }~~ Section 13. Section 72-10-903, which is renumbered from Section 72-14-304 is renumbered and amended to read:

~~[72-14-304].~~ 72-10-903. Unlawful operation of unmanned aircraft near prison facilities -- Penalties.

- (1) An individual may not operate an unmanned aircraft system:
 - (a) to carry or drop any item to or inside the property of a correctional facility; or
 - (b) in a manner that interferes with the operations or security of a correctional facility.
- (2) (a) A violation of Subsection (1)(a) is a third degree felony.
(b) A violation of Subsection (1)(b) is a class B misdemeanor.
- (3) An operator of an unmanned aircraft system does not violate Subsection (1) if the

operator is:

- (a) an employee or contractor working on behalf of a mosquito abatement district created pursuant to Title 17B, Limited Purpose Local Government Entities - Local Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- (b) acting in the course and scope of the operator's employment.

Section ~~{15}~~ 14. Section **72-10-1001** ~~{, which}~~ is ~~{renumbered from Section 72-14-401}~~ is renumbered and amended} enacted to read:

Part 10. Safe Use of Unmanned Aircraft

~~{ [72-14-401]. } 72-10-1001. Title:~~

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

~~— Section 16. Section 72-10-1002, which is renumbered from Section 72-14-402 is renumbered and amended to read:~~

~~— [72-14-402]. } 72-10-1002} 72-10-1001. Reserved.~~

Reserved.

Section ~~{17}~~ 15. Section ~~{72-10-1003}~~ 72-10-1002, which is renumbered from Section 72-14-403 is renumbered and amended to read:

~~[72-14-403].~~ ~~{72-10-1003}~~ 72-10-1002. Safe operation of unmanned aircraft.

(1) An individual who operates an unmanned aircraft system to fly an unmanned aircraft for recreational purposes shall comply with this section or 14 C.F.R. Sec. 101, Subpart

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E.

(2) An individual operating an unmanned aircraft shall:

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

(i) know the location of the unmanned aircraft;

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

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

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

(b) ensure that the ability described in Subsection (2)(a)(i) is exercised by either:

(i) the operator of the unmanned aircraft; or

(ii) a visual observer.

(3) An individual may not operate an unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless the operator of the unmanned aircraft has prior authorization from air traffic control.

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

(5) An individual may not operate an unmanned aircraft system:

(a) from a public transit rail platform or station; or

(b) (i) under a height of 50 feet within a public transit fixed guideway right-of-way; and

(ii) directly above any overhead electric lines used to power a public transit rail vehicle.

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

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

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

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

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

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

(c) Except as provided in Subsection (8)(d), an individual who violates this section after receiving a written warning for a previous violation of this section is guilty of an infraction.

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

Section ~~{18}~~16. Section **76-2-106** is amended to read:

76-2-106. Commission of offense with aid of unmanned aircraft system.

(1) As used in this section:

(a) "Unmanned aircraft" means the same as that term is defined in Section ~~[72-14-102]~~ 72-10-102.

(b) "Unmanned aircraft system" means the same as that term is defined in Section ~~[72-14-102]~~ 72-10-102.

(2) An actor may be found guilty of an offense if:

(a) the actor commits the offense with the aid of an unmanned aircraft; and

(b) the unmanned aircraft system for the unmanned aircraft is under the actor's control at the time of the offense.

Section ~~{19}~~17. Section **76-9-308** is amended to read:

76-9-308. Harassment of livestock.

(1) As used in this section:

(a) "Livestock" has the same meaning as that term is defined in Subsection 76-9-301(1).

(b) "Unmanned aircraft system" means the same as that term is defined in Section ~~[72-14-102]~~ 72-10-102.

(2) Except as provided in Subsection (3), a person is guilty of harassment of livestock if the person intentionally, knowingly, or recklessly chases, with the intent of causing distress, or harms livestock through the use of:

(a) a motorized vehicle or all-terrain vehicle;

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- (b) a dog; or
- (c) an unmanned aircraft system.
- (3) A person is not guilty of harassment of livestock if:
 - (a) the person is:
 - (i) the owner of the livestock;
 - (ii) an employee or agent of the owner, or otherwise acting under the owner's general direction or with the owner's permission;
 - (iii) acting in an emergency situation to prevent damage to the livestock or property; or
 - (iv) an employee or agent of the state or a political subdivision and acting in the employee or agent's official capacity; or
 - (b) the action is in line with generally accepted animal husbandry practices.
- (4) A person who violates this section is guilty of:
 - (a) a class B misdemeanor if the violation is a first offense and:
 - (i) no livestock is seriously injured or killed as a result of the person's actions; or
 - (ii) the person's actions cause the livestock to be displaced onto property where the livestock is not legally entitled to be; and
 - (b) a class A misdemeanor if:
 - (i) the person has previously been convicted of harassment of livestock under this section;
 - (ii) livestock is seriously injured or killed as a result of the person's actions; or
 - (iii) livestock or property suffered damage in excess of \$1,000, including money spent in recovering the livestock, as a result of the person's actions.

Section ~~{20}~~18. **Repealer.**

This bill repeals:

Section **72-14-101, Title.**

Section **72-14-102, Definitions.**

Section 72-14-201, Title.

Section 72-14-301, Title.

Section 72-14-401, Title.

Section 72-14-402, Reserved.