

26 AMENDS:

27 **72-10-1002**, as renumbered and amended by Laws of Utah 2023, Chapter 216

28

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

30 Section 1. Section **72-10-1002** is amended to read:

31 **72-10-1002. Safe operation of unmanned aircraft.**

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

34 E] 49 U.S.C. Sec. 44809 ← ~~§~~ .

35 (2) An individual operating an unmanned aircraft shall:

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

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

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

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

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

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

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

44 (ii) a visual observer.

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

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

51 (5) (a) ~~Am~~ Except as provided in Subsection (5)(b), an individual may not operate an  
52 unmanned aircraft system:

53 ~~(a)~~ (i) from a public transit rail platform or station; or

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

56 ~~(i)~~ (B) directly above any overhead electric lines used to power a public transit rail

57 vehicle.

58 (b) Subsection (5)(a) does not apply to:

59 (i) an individual employed or contracted by a large public transit district who may  
60 operate an unmanned aircraft from a public transit rail platform or station or near a public  
61 transit facility:

62 (A) to examine the public transit right-of-way for impediments or obstructions;

63 (B) to examine a public transit facility for safety concerns; or

64 (C) for any other safety-related purpose related to the operations of a large public  
65 transit district; or

66 (ii) an individual who is a member of law enforcement operating an unmanned aircraft  
67 system in accordance with Section 72-10-802.

68 (6) (a) An individual may not operate an unmanned aircraft over any surface critical  
69 infrastructure facility as defined in Section 76-6-106.3, unless the operator of the unmanned  
70 aircraft has prior authorization from the facility.

71 (b) Subsection (6)(a) does not apply to:

72 (i) a first responder, as that term is defined in Section 53-3-207; or

73 (ii) a state or federal agency with regulatory authority over the relevant critical  
74 infrastructure facility.

75 ~~[(6)]~~ (7) An individual may not operate an unmanned aircraft in violation of a notice to  
76 airmen described in 14 C.F.R. Sec. 107.47.

77 ~~[(7)]~~ (8) **§→ [Am] Unless a waiver has been granted by the Federal Aviation**

77a **Administration, an ←§** individual may not operate an unmanned aircraft at an altitude that is  
78 higher than 400 feet above ground level unless the unmanned aircraft:

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

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

81 ~~[(8)]~~ (9) (a) An individual who violates this section is liable for any damages that may  
82 result from the violation.

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

86 (c) Except as provided in Subsection ~~[(8)(d)]~~ (9)(d), an individual who violates this  
87 section after receiving a written warning for a previous violation of this section is guilty of an