

Unmanned Aircraft Systems: 2015 Legislative Landscape



Legislative Background

2013: 43 states considered bills and resolutions related to UAS. 13 states enacted 16 bills and 11 states adopted resolutions.

2014: 35 states considered bills and resolutions. 10 states enacted 11 bills and three states adopted resolutions.

Legislative Action in 2015

In 2015, 45 states have considered 168 bills related to drones. Twenty states—Arkansas, California, Florida, Hawaii, Illinois, Louisiana, Maine, Maryland, Michigan, Mississippi, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Tennessee, Texas, Utah, Virginia and West Virginia—have passed 26 pieces of legislation. Four other states—[Alaska](#), [Georgia](#), New Mexico and [Rhode Island](#)—adopted resolutions related to drones. Georgia's resolution established a House study committee on the use of drones and New Mexico adopted memorials in the [house](#) and [senate](#) requiring a study on protecting wildlife from drones. Rhode Island's resolution created a legislative commission to study and review regulation of UAS. Additionally, Virginia's governor signed an executive order establishing a commission on unmanned systems. Florida and Kentucky have prefiled bills for the 2016 legislative session.

Arkansas [HB 1349](#) prohibits the use of UAS to commit voyeurism. [HB 1770](#) prohibits the use of UAS to collect information about or photographically or electronically record information about critical infrastructure without consent.

California [AB 856](#) prohibits entering the airspace of an individual in order to capture an image or recording of that individual engaging in a private, personal, or familial activity without permission. This legislation is a response to the use of UAS by the paparazzi.

Florida [SB 766](#) prohibits the use of a drone to capture an image of privately owned property or the owner, tenant, or occupant of such property without consent if a reasonable expectation of privacy exists.

Hawaii [SB 661](#) creates a chief operating officer position for the Hawaii unmanned aerial systems test site. It also establishes an unmanned aerial systems test site advisory board to plan and oversee test site development and appropriates funds to establish the test site.

Illinois [SB 44](#) creates a UAS Oversight Task Force which is tasked with considering commercial and private use of UAS, landowner and privacy rights and general rules and regulations for the safe operation of UAS. The task force will prepare recommendations for the use of UAS in the state.

Louisiana [SB 183](#) regulates the use of UAS in agricultural commercial operations.

Maine [LD 25](#) requires law enforcement agencies receive approval before acquiring UAS. The bill also specifies that the use of UAS by law enforcement comply with all FAA requirements and guidelines. Requires a warrant to use UAS for criminal investigations except in certain circumstances and sets out standards for the operation of UAS by law enforcement.

Maryland [SB 370](#) specifies that only the state can enact laws to prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems. This preempts county and municipal authority. The bill also requires a study on specified benefits.

Michigan [SB 54](#) prohibits using UAS to interfere with or harass an individual who is hunting. [SB 55](#) prohibits using UAS to take game.

Mississippi [SB 2022](#) specifies that using a drone to commit "peeping tom" activities is a felony.

Nevada [AB 239](#) includes UAS in the definition of aircraft and regulates the operators of UAS. It also prohibits the weaponization of UAS and prohibits the use of UAS within a certain distance of critical facilities and airports without permission. The bill specifies certain restrictions on the use of UAS by law enforcement and public agencies and requires the creation of a registry of all UAS operated by public agencies in the state.

New Hampshire [SB 222](#) prohibits the use of UAS for hunting, fishing, or trapping.

North Carolina [SB 446](#) expands the authority of the state's Chief Information Officer to approve the purchase and operation of UAS by the state and modifies the state regulation of UAS to conform to FAA guidelines.

North Dakota [HB 1328](#) provides limitations for the use of UAS for surveillance.

Oregon [HB 2534](#) requires the development of rules prohibiting the use of UAS for angling, hunting, trapping, or interfering with a person who is lawfully angling, trapping, or hunting. [HB 2354](#) changes the term "drone" to "unmanned aircraft system" in statute.

Tennessee [HB 153](#) prohibits using a drone to capture an image over certain open-air events and fireworks displays. It also prohibits the use of UAS over the grounds of a correctional facility.

Texas [HB 3628](#) permits the creation of rules governing the use of UAS in the Capitol Complex and provides that a violation of those rules is a Class B misdemeanor. [HB 2167](#) permits individuals in certain professions to capture images used in those professions using UAS as long as no individual is identifiable in the image. [HB 1481](#) makes it a Class B misdemeanor to operate UAS over a critical infrastructure facility if the UAS is not more than 400 feet off the ground.

Utah [HB 296](#) allows a law enforcement agency to use an unmanned aircraft system to collect data at a testing site and to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy. It also institutes testing requirements for a law enforcement agency's use of an unmanned aircraft system.

Virginia [HB 2125](#) and [SB 1301](#) require that a law enforcement agency obtain a warrant before using a drone for any purpose, except in limited circumstances. Virginia's governor also issued an [executive order](#) establishing a commission on unmanned systems.

West Virginia [HB 2515](#) prohibits hunting with UAS.