

Unmanned Aircraft Systems: Trends and Legislation



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas



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Partnership Project on Unmanned Aircraft Systems

Provides lawmakers the opportunity to work with industry leaders, researchers and safety experts as they discuss UAS state and federal legislative policy topics and learn about the myriad of UAS uses for private businesses and governments

This project is intended to identify options for maximizing the benefits of UAS while also addressing privacy, safety and 4th Amendment concerns.





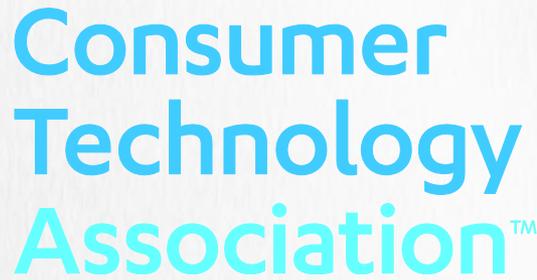
Who are the Steering Committee Members?

- **Co-Chairs**
 - Rep. Shelley Hughes (R) – Alaska
 - Sen. Daniel Biss (D) – Illinois
- **Members**
 - Rep. Jimmy Pruet (R) – Georgia
 - Sen. Ray Holmberg (R) – North Dakota
 - Rep. Sharon Schwartz (R) – Kansas
 - Rep. Jeff Essmann (R) – Montana
 - Rep. Kenneth Wilson (R) - Missouri
 - Assemblyman Elliot Anderson (D) – Nevada
 - Rep. Angus McKelvey (D) – Hawaii
 - Sen. A. Donald McEachin (D) – Virginia
- **Legislative Staff Members**
 - Jennifer Jones, Texas Sunset Advisory Board
 - Eric Gray, Connecticut Office of Program Review and Investigations





Who are the Partners?



An Association of Photogrammetry, Mapping, and Geospatial Firms





Project Timeline

- **Informational pre-conference at NCSL Forum in Washington, D.C.**
 - **December 8, 2015**
- **Publish final partners' project report on UAS legislative landscape**
 - **First quarter 2016**
- **Track relevant state legislation**
 - **Ongoing**





Federal Action

○ Proposed Regulations of Small UAS

- Summary Handout
- Less than 55 pounds, must maintain visual line of sight, no operation over people not involved with UAS operation, no nighttime operation, no higher than 500 feet, must be at least 17 and pass FAA knowledge test, must be registered

○ UAS Registration Task Force

- Released recommendations in late November
 - Drones weighing between 250 grams and 55 pounds and operating in National Air Space be required to electronically register, at no cost, with the FAA by providing the owner's name and street address.
 - Requirement that registrants be at least 13 years old and that registrants receive one registration number affixed to all their drones, rather than one registration number per drone





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Legislative Information





2013-2015 Legislation

- In 2013, 43 states considered bills and resolutions related to UAS. 13 states enacted 16 bills and 11 states adopted resolutions.
- In 2014, 35 states considered bills and resolutions. 10 states enacted 11 bills and three states adopted resolutions.
- In 2015, 45 states have considered 168 bills and resolutions. 20 states have enacted 26 bills and four states have adopted resolutions.





Legislative Trends

- **Privacy Concerns – 21 states enacted legislation within this broad category**
 - Warrant requirements for law enforcement
 - Protection from other citizens
- **Limitations related to hunting and fishing**
 - Illinois, Michigan, New Hampshire, North Carolina, Oregon, Tennessee, and West Virginia
 - New Mexico adopted a resolution in 2015 requiring a study on protecting wildlife from drones.





Legislative Trends, cont.

- **Criminal penalties related to misuse of drones**
 - **Arkansas, California, Florida, Indiana, Louisiana, Mississippi, Nevada, North Carolina, North Dakota, Oregon, Tennessee, Texas, Wisconsin**
 - **Three bills vetoed in California related to flying UAS over wildfires, correctional facilities and K-12 schools**
 - **In his veto message, Governor Brown stated that “each of these bills creates a new crime, usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.”**





Emerging Issues

○ Insurance Requirements

- Florida considered legislation in 2015 that would have required a report including information on the appropriate amount of liability insurance that should be carried by operators of UAS
- New Jersey has legislation pending to require registration and insurance

○ Registration

- Federal rulemaking on this topic may change the landscape

○ Security Concerns

- Prohibition on use near critical infrastructure, prisons, airports





Alaska Legislative Study

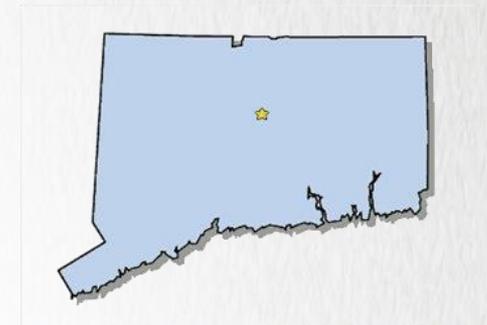
- **Alaska – Legislative Task Force Report to Legislature made 7 final recommendations**
 - **Require all state and local law enforcement entities adopt guidelines to ensure privacy protection**
 - **Convey a clear message to industry that Alaska is open for business to harness the beneficial uses of UAS, to encourage the growth of this economic sector, and to allow Alaska to continue to lead the nation in aviation innovation.**
 - **Encourage UAS training programs**





CT Legislative Study

- **Connecticut – Legislative Program Review and Investigations Committee Report**
 - Remote operations of weapons shall be prohibited
 - All government owned drones registered with Office of Policy and Management
 - Government drone use recorded, summarized, publicly reported annually





Iowa Legislative Report

- The Department of Public Safety provided a report to the legislature on developing guidelines for the use of UAS and to determine whether changes to the criminal code were necessary
 - No key Supreme Court cases addressing UAS use, but case law suggests government use without warrant would not violate Fourth Amendment in most circumstances
 - Many factors to balance in regulating private use
 - Protect from bad actors
 - Do not want to overly inhibit First Amendment rights and free market
 - Broad commercial potential
 - Until current laws are no longer sufficient to address UAS misuse, legislators may want to “hold off” on expansive regulation



Thank you!

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