

Appendix: Recent State Drone Legislation

According to the National Conference of State Legislatures (NCSL) website, in 2013, thirteen states have already enacted sixteen new laws and eleven states adopted sixteen resolutions relating to UAS. Forty-three states have already introduced drone-related legislation, some of which is still pending. The thirteen states that have enacted drone legislation are Oregon, Montana, Idaho, Nevada, North Dakota, Texas, Illinois, Tennessee, Virginia, Maryland, North Carolina, Florida, and Hawaii. Of the thirteen states that enacted substantive legislation, nine of them have imposed some kind of restriction. Four of those thirteen (Hawaii, Maryland, Nevada, North Dakota) simply appropriated money for programs related to drones, generally for the purposes of promotion rather than restriction. The nine that imposed limits (Oregon, Montana, Idaho, Texas, Illinois, Tennessee, Virginia, North Carolina, and Florida) mostly have required law enforcement or other government agencies to obtain a warrant before using drones for law enforcement or surveillance purposes. Some, like Oregon, go beyond this – requiring warrants and creating new crimes and civil offenses. The following appendix contains information from the NCSL website page on UAS – with a brief description of what each state did.

Nine Statutes Enacted in 2013 that Limit Drone Use: Florida's SB 92 provides that law enforcement only may use a drone if they obtain a warrant, there is a terrorist threat, or if “swift action” is needed to prevent loss of life or to search for a missing person. The law also enables someone harmed by an inappropriate use of drones to pursue civil remedies and prevents evidence gathered in violation of this code from being admitted in any Florida court.

Idaho's SB 1134 defines an “Unmanned Aircraft System” and requires warrants for their use by law enforcement, establishes guidelines for their use by private citizens, and provides civil penalties for damages caused by improper use.

Illinois has enacted two new laws in 2013. HB 1652 prohibits anyone from using a drone to interfere with hunters or fishermen. SB 1587 allows drones to be used by law enforcement with a warrant, to counter a terrorist attack, to prevent harm to life, or to prevent the imminent escape of a suspect. If a law enforcement agency uses a drone, the agency must destroy all information gathered by the drone within 30 days, except that a supervisor at the law enforcement agency may retain particular information if there is reasonable suspicion it contains evidence of criminal activity. The law also requires the Illinois Criminal Justice Information Authority (CJIA) to report on its website every law enforcement agency that owns a drone and the number they own. Each law enforcement agency is responsible for giving this information to the Illinois CJIA.

Montana's SB 196 limits when information gained from the use of unmanned aerial vehicles may be admitted as evidence in any prosecution or proceeding within the state. The information can be used when it was obtained pursuant to a search warrant, or through a judicially recognized exception to search warrants. The new law defines “unmanned aerial vehicle” as “an aircraft that is operated without direct human intervention from on or within the aircraft,” not including satellites.

North Carolina's SB 402 places a moratorium on UAS use by state and local personnel unless the use is approved by the Chief Information Officer for the Department of Transportation (CIO). Any CIO granted exception has to be reported immediately to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division. The CIO may determine that there is a need to develop a UAS program within the State of North Carolina. This effort must include the CIO and the Department of Transportation Aviation Division Director.

Oregon's HB 2710 defines a drone as an unmanned flying machine, not including model aircraft. The law allows a law enforcement agency to operate a drone if it has a warrant and for enumerated exceptions including for training purposes. It also requires that a drone operated by a public body be registered with the Oregon Department of Aviation (DOA), which shall keep a registry of drones operated by public bodies. The law grants the DOA rulemaking authority to implement these provisions. It also creates new crimes and civil penalties for

mounting weapons on drones and interfering with or gaining unauthorized access to public drones. Under certain conditions a landowner can bring an action against someone flying a drone lower than 400 feet over their property. The law also requires that the DOA must report to legislative committees on the status of federal regulations and whether UAV's operated by private parties should be registered in a manner similar to the requirement for other aircraft.

Tennessee's SB 796 addresses the use of drones by law enforcement. The new law enables law enforcement to use drones in compliance with a search warrant, to counter a high-risk terrorist attack and if swift action is needed to prevent imminent danger to life. Evidence obtained in violation of this law is not admissible in state criminal prosecutions. Additionally, those wronged by such evidence can seek civil remedy.

Texas's HB 912 enumerates 19 lawful uses for unmanned aircraft, including their use in airspace designated as an FAA test site, their use in connection with a valid search warrant and their use in oil pipeline safety and rig protection. The law creates two new crimes, the illegal use of an unmanned aircraft to capture images and the offense of possessing or distributing the image; both offenses are class C misdemeanors. "Image" is defined in the law as any sound wave, thermal, ultraviolet, visible light or other electromagnetic waves, odor, or other conditions existing on property or an individual located on the property. Additionally, the measure requires the Department of Public Safety to adopt rules for use of UAS by law enforcement and mandates that law enforcement agencies in communities of over 150,000 people make annual reports on their use. Texas HCR 217 altered reporting requirements from the original HB 912.

On April 3, 2013, Virginia enacted the first state drone laws in the country with the passage of HB 2012 and SB 1331. The new laws prohibit drone use by any state agencies "having jurisdiction over criminal law enforcement or regulatory violations" or units of local law enforcement until July 1, 2015. Numerous exceptions to the ban are enumerated including enabling officials to deploy drones for Amber Alerts, Blue Alerts and use by the National Guard, by higher education institutions and search and rescue operations. The enacted bills also require the Virginia Department of Criminal Justice Services and other state agencies to research and develop model protocols for drone use by law enforcement in the state. They are required to report their findings to the General Assembly and governor by Nov. 1, 2013.

Four Statutes Enacted in 2013 that Promote Drone Use: Maryland's HB 100 appropriated \$500,000 for the state's unmanned aerial system test site, one of the six test sites chosen by the FAA pursuant to FMRA.

Hawaii's SB 1221 appropriates \$100,000 in funds for two staff positions, contracted through the University of Hawaii, to plan for the creation of three degree and training programs on advanced aviation. One of the programs is a professional unmanned aircraft systems pilot program administered through Hawaii Community College.

Nevada's AB 507 appropriated \$4,000,000 to the interim Finance Committee for allocation to the Governor's Office of Economic Development for the Unmanned Aerial Vehicle (UAV) program. The Nevada site was selected as an FAA test site.

North Dakota law, SB 2018 grants \$1 million from the state general fund to pursue designation as a Federal Aviation Administration unmanned aircraft systems test site. The site was subsequently selected, which authorized an appropriation of an additional \$4 million.

Resolutions Favoring Expanded Drone Use: Alaska adopted HCR 6 creating a legislative Task Force on UAS. The task force is charged with creating written recommendations and legislation that allows for UAS to be used in a way that protects privacy. In addition to members of the legislature, the task force will be comprised of representatives from state agencies, aviation organizations and academia. The task force must provide an initial report of its findings by Jan. 15, 2014, and a final report by July 1, 2014.

Indiana adopted a resolution (SR 27) urging their legislative council to study UAS issues.

Seven states adopted resolutions to recognize the benefits of a thriving UAS industry in their state; Alabama (HR 381), California (AJR 6, SCR 16), Georgia (HR 80, HR 81, SR 172), Idaho (SCR 103), Michigan (HR 280, HR 87), North Dakota (HCR 3012), Nevada (SCR 7).