



NATIONAL CONFERENCE of STATE LEGISLATURES

Current Unmanned Aircraft State Law Landscape

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Unmanned aircraft systems (UAS), commonly called unmanned aerial vehicles (UAVs) or drones, have a host of applications including law enforcement, land surveillance, wildlife tracking, search and rescue operations, disaster response, border patrol and photography.

State legislatures across the country are debating if and how UAS technology should be regulated, taking into account the benefits of their use, privacy concerns and their potential economic impact. So far, 26 states have enacted laws addressing UAS issues and an additional six states have adopted resolutions. Common issues addressed in the legislation include defining what a UAS, UAV or drone is, how they can be used by law enforcement or other state agencies, how they can be used by the general public and regulations for their use in hunting game.

State UAS Legislation

Since the beginning of 2013 legislative sessions, state lawmakers have considered many pieces of legislation addressing UAS. To learn more about state UAS laws, bills and resolutions, please follow a link covering measures from a specific session below.

At least 35 states have considered legislation related to UAS in the 2016 legislative session.

In 2015, 45 states 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—passed 26 pieces of legislation. Five other states—Alaska, Georgia, New Mexico, Pennsylvania 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. Pennsylvania's resolution directs the Joint State Government Commission to conduct a study on the use of UAS by state and local agencies and 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.

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.

- 2014 UAS legislation overview
- 2013 UAS legislation overview

Federal UAS Regulation

The Federal Aviation Administration (FAA) has issued a proposed rulemaking on UAS. The proposal, issued on February 15, 2015, specifies requirements for operation of a UAS, including:

- Must weigh less than 55 pounds.
- May only operate during standard daylight hours and within visual sight.
- Must fly no higher than 500 feet and go no faster than 100 mph.
- Must be operated by a person at least 17 years or older that has passed a FAA knowledge test.
- Must be registered, but does not require an airworthiness certification. The FAA also indicated that it was also

considering issuing separate regulations for UAS weighing less than 4.4 pounds.

For a complete breakdown of FAA's proposal, please review NCSL's info alert.

On Dec. 14, the FAA unveiled an interim final rule for drone registration that would require consumers that own drones between .55 lbs and 55 lbs to register their crafts by Feb. 19, 2016. Drones purchased after Dec. 21, 2015 must be registered before its first outdoor flight. Everyone will be able to register online at the registration website. Consumers can register as many drones as they like, but each will be required to have the owner's contact information and unique registration number visible on the craft. Registrations, which are valid for three years, will have a fee of \$5 per individual owner. The FAA waived the registration fee for the first 30 days of the program to encourage early registration. Under the proposal the FAA can impose a civil penalty of up to \$27,500 or criminal penalties of up to \$250,000 and three years in prison for noncompliance.

On Dec. 17, the FAA released a fact sheet on state and local regulation of UAS. The fact sheet includes examples of regulations that the FAA believes are within the authority of the states, including requirements for police to obtain a warrant prior to using a UAS for surveillance, specifying that UAS may not be used for voyeurism, prohibiting using UAS for hunting or fishing, or to interfere with or harass an individual who is hunting or fishing, and prohibiting attaching firearms or similar weapons to UAS.

The Government Accountability Office released a report entitled "Unmanned Aerial Systems: FAA Continues Progress toward Integration into the National Airspace" in July 2015.

Alongside the proposal, the FAA has also provided a limited number of exemptions for companies prior to the rules being finalized, including an exemption for Amazon in mid-March, although Amazon noted in a March Wall Street Journal article that they had already moved on to a new UAS prototype. More information about the FAA's work with UAS can be found here.

The 2012 Federal Aviation Administration Modernization and Reform Act requires the FAA to integrate UAS into civilian airspace by 2015. To complete this task, the law also charges the FAA with establishing six test sites where operating standards for UAS can be researched and developed by collecting information to determine the best way to integrate UAS into the existing aviation system. These test sites are located in six states: Alaska, Nevada, New York, North Dakota, Texas and Virginia.

NCSL Resources

- [Transportation homepage](#)
- [NCSL Blog: States Gearing Up for UAS Test Sites](#)

Legislative Summit Resources

- [2014 Robocops: From Phones to Drones handout, PDF](#)
- [2013 Issue Forum: All About Drones, Q&A video](#)

2013 Fall Forum Resources

- [Presentation - Katherine E. Stern, senior counsel, The Constitution Project, PDF](#)
- [Presentation - Mario Mairena, government relations manager, AUVSI, PDF](#)
- [Presentation - Richard Williams, policy specialist, NCSL, PDF](#)
- [2013 NCSL Fall Forum UAV Handout, PDF](#)

State Resources

- **Alaska:** [Legislative Task Force on Unmanned Aircraft Systems, Final Report to the Legislature, June 30, 2014.](#)
- **Alaska:** [Legislative Task Force on Unmanned Aircraft Systems, Interim Report to the Legislature, Jan. 15, 2014.](#)
- **Connecticut:** [Legislative Program Review and Investigations Committee, Drone Use Regulation, Dec. 11, 2014.](#)
- **Connecticut:** [Office of Legislative Research, Research Report: Privacy Protections Implied by the Domestic Use of Unmanned Aerial Vehicles or Drones, May 12, 2014.](#)

- **Connecticut:** Office of Legislative Research, Drone Laws in Other States, Oct. 22, 2013.
- **Georgia:** House Study Committee on the Use of Drones, Report of the Committee, Dec. 1, 2015.
- **Iowa:** Department of Public Safety, Unmanned Aerial Vehicle Legislative Report, December 2014.
- **North Carolina:** State Chief Information Officer, Unmanned Aircraft Use in North Carolina, March 2014.
- **Oklahoma:** Report of the Governor's Unmanned Aerial Systems Council, A Strategic Plan for the Development of an Unmanned Aerial Systems Enterprise, Spring 2012.
- **Oregon:** Department of Aviation, Report to the Legislature.
- **Virginia:** Department of Criminal Justice Services, Protocols for the Use of Unmanned Aircraft Systems by Law-Enforcement Agencies, Nov. 1, 2013.

Additional Resources

- Congressional Research Service Report | "Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses," PDF
- Airline Safety Forum, video, July 2013 | James H. Williams, manager, Unmanned Aircraft Systems Integration Office, Aviation Safety Organization, Federal Aviation Administration
- United States Senate Committee on the Judiciary, The Future of Drones in America: Law Enforcement and Privacy Considerations, March 20, 2013, PDF

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