

1 H.878

2 Representative Chapin of East Montpelier moves that the bill be amended  
3 by adding two new sections to be Secs. 44 and 45 to read as follows:

4 Sec. 44. 20 V.S.A. § 4626 is added to read:

5 § 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT  
6 CONSENT OF OWNER; CIVIL PENALTY

7 (a) A person shall not fly a drone for hobby or recreational purposes at an  
8 altitude of less than 100 feet above privately owned real property unless the  
9 person has obtained prior written consent from the property owner.

10 (b) A person shall not, without the prior written consent of the property  
11 owner or occupant, use a drone to record an image of privately owned real  
12 property or of the owner or occupant of the property with the intent to conduct  
13 surveillance on the person or the property in violation of the person’s  
14 reasonable expectation of privacy. For purposes of this subsection, a person is  
15 presumed to have a reasonable expectation of privacy on the person’s privately  
16 owned real property if the person is not observable by another person located  
17 at ground level in a place where the other person has a legal right to be,  
18 regardless of whether the person is observable from the air using a drone.

19 (c) A person engaged in the business of selling drones shall provide written  
20 notice to each purchaser of a drone required to be registered by the U.S.  
21 Department of Transportation about the requirements under subsections (a) and

1 (b) of this section for flying a drone above privately owned real property  
2 without the property owner’s prior written consent.

3 (d) A person who violates this section shall be assessed a civil penalty of  
4 not more than:

5 (1) \$50.00 for a first violation; or

6 (2) \$250.00 for a second or subsequent violation.

7 (e) As used in this section:

8 (1) “Property owner” means a person who owns, leases, licenses, or  
9 otherwise controls ownership or use of land, or an employee or agent of that  
10 person.

11 (2) “Surveillance” means:

12 (A) with respect to an owner or occupant of privately owned real  
13 property, the observation of the person with sufficient visual clarity to be able  
14 to obtain information about the person’s identity, habits, conduct, movements,  
15 or whereabouts; or

16 (B) with respect to privately owned real property, the observation of  
17 the property’s physical improvements with sufficient visual clarity to be able to  
18 determine unique identifying features about the property or information about  
19 its owners or occupants.

