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	<u>§ 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT</u>
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

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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.

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1	(f) This section shall not apply to the use of drones by distribution or
2	transmission utilities or their contractors for purposes of ensuring system
3	reliability and resiliency.
4	Sec. 45. 4 V.S.A. § 1102 is amended to read:
5	§ 1102. JUDICIAL BUREAU; JURISDICTION
6	* * *
7	(b) The Judicial Bureau shall have jurisdiction of the following matters:
8	* * *
9	(31) Violations of 20 V.S.A. § 4626, relating to flying, and providing
10	information about flying, a drone above privately owned real property without
11	the owner's consent.
12	and by renumbering the remaining section to be numerically correct.