UNMANNED AIRCRAFT SYSTEMS: TRENDS AND LEGISLATION
DECEMBER 8, 2016
NCSL CAPITOL FORUM
Unmanned Aircraft Systems

- Federal Action
- Trends
- Preemption
Federal Action

- Part 107
  - Non-hobby operation
  - Visual line of sight, Daylight
  - Height (400 feet) and speed (100 mph) restrictions
  - Prohibiting flights over people who aren’t directly participating in the UAS operation
  - Waiver process
  - At least 16 years old with certificate
Trends in State UAS Legislation
2013-2016 UAS Legislation

- In 2016, at least 38 states considered legislation. 17 states enacted 31 bills and two states adopted resolutions.
- A total of 32 states have enacted UAS laws and 5 more have adopted resolutions.
- 22 states enacted legislation within this broad category
- 18 states have warrant requirements for law enforcement
- 13 states offer protection from other citizens
Insurance

- Florida considered legislation last year to require a report from the DOT regarding the appropriate amount of liability insurance for commercial operators of UAS. The legislation did not pass.
- New Jersey considered legislation on registration and insurance that failed.
Promoting Advancement of UAS

- Alaska
  - University of Alaska training program in operation of UAS

- Ohio
  - Aerospace and aviation technology committee

- Utah
  - Statement of intent: “Nothing herein is intended to prohibit or impede the public and private research, development, or manufacture of unmanned aerial vehicles.”
Commercial Use

- Florida—prohibition on use to capture images includes exceptions for a number of commercial uses, including environmental monitoring
- Louisiana—regulates agricultural operation
- North Carolina—requires commercial operators to obtain permit from Division of Aviation
- Tennessee and Texas enumerate lawful uses, including many commercial operations
Government Uses of UAS

- Some states explicitly allow use of UAS for photographing traffic crashes and crime scenes
- Search and rescue operations, search for missing persons
- Aerial photography to assess fires, floods, other storm damage and determine if state of emergency needs to be declared
- Conducting air quality sampling
- Fire suppression
Criminal Penalties

- Indiana — Unlawful photography and surveillance on private property
- North Carolina — Using UAS to interfere with manned aircraft, possessing UAS with attached weapon, operating commercially without license
Criminal Penalties

- Debate regarding necessity of new laws
- Three bills vetoed in California related to flying UAS over wildfires, correctional facilities and K-12 schools
Weaponization of UAS

- Eight states prohibit weaponization of UAS in certain instances
- Maine, North Dakota and Virginia prohibit for law enforcement
- Five other states prohibit possession or use of a weaponized UAS by anyone

Hunting and Fishing

- 10 states have passed laws related to hunting and fishing
- 6 states prohibit using UAS for hunting and/or fishing.
- 7 states prohibit using UAS to interfere with others who are lawfully hunting and/or fishing
- 3 states prohibit both
Security Concerns

- Arkansas, Louisiana – Prohibit using UAS to conduct surveillance of, gather evidence or collect information about, or photograph or record critical infrastructure/targeted facility without prior written consent.

- Tennessee – Permits use of UAS to capture images by or for an electric or natural gas utility for operations and maintenance, for inspecting facilities and other uses. Permits use of UAS for inspection, maintenance, repair, safety and protection of pipelines.
Security Concerns

- Prisons
  - Six states prohibit UAS operation near or over correctional facilities
  - Most classify offense as a misdemeanor, subject to fine and imprisonment

- Capitol Buildings

Task Forces

- At least 13 states have convened task forces or requested studies on UAS
  - Alaska-Legislative Task Force on UAS
  - Georgia-House Study Committee on the use of UAS
  - Illinois-UAS Oversight Task Force
  - Iowa-Required Department of Public Safety to develop guidelines and determine if changes to the criminal code were necessary
- Released June 2016
- Available at: http://www.ncsl.org/research/transportation/taking-off-state-unmanned-aircraft-systems-policies.aspx
Federal Preemption of State Laws

- Legislation that directly conflicts with FAA regulations will be invalidated
- FAA fact sheet on state and local regulation of UAS
- FAA recommends consulting with the administration for operational restrictions such as flight paths, operational bans and any regulation of the navigable airspace
State Preemption

- Arizona, Delaware, Oregon, Maryland, Rhode Island, and Virginia specify that only the state legislature can enact laws regulating UAS, preventing local governments from taking action on the issue.