



HOUSE OF REPRESENTATIVES

SB 1449

~~prohibited operations, unmanned aircraft~~
NOW: prohibited operations; unmanned aircraft
Prime Sponsor: Senator Kavanagh, LD 23

DPA Committee on Judiciary
DPA Caucus and COW
X As Transmitted to the Governor

OVERVIEW

SB 1449 prescribes restrictions for the operation of *civil unmanned aircrafts*, *model aircrafts*, *unmanned aircrafts* and *unmanned aircraft systems*.

PROVISIONS

1. Makes it illegal to operate a *model aircraft* or a *civil unmanned aircraft* if operation:
 - a. Is prohibited by federal law, aeronautic regulations or specified Federal Aviation Administration (FAA) regulations; or
 - b. Interferes with first responder operations.

A violation is a Class 1 misdemeanor (up to 6 months in jail, fine up to \$2,500 plus surcharges).
2. Prohibits a person from operating or using an *unmanned aircraft* or *unmanned aircraft system* to intentionally photograph or loiter over or near a *critical facility* in the furtherance of a criminal offense. A violation is a Class 6 felony (presumptive term of incarceration is one year, fine up to \$150,000 plus surcharges), second and subsequent violations are a Class 5 Felony (presumptive term of incarceration is 1 ½ years, fine up to \$150,000 plus surcharges).
3. Prohibits a city, town or county from enacting an ordinance, rule or policy relating to the ownership or operation of an *unmanned aircraft* or *unmanned aircraft system*. Voids any ordinance, rule or policy in violation.
4. Exempts:
 - a. An entity or person who is authorized by the FAA to operate an *unmanned aircraft* or *unmanned aircraft system*, if operation complies with the authorization granted by the FAA;
 - b. Ordinances or rules regulating the takeoff or landing of a *model aircraft* in a park or preserve owned by a local governing body, if:
 - i. Other parks are available for *model aircraft* operation within the jurisdiction; or
 - ii. The local governing body only has one park or preserve located within the jurisdiction.
 - c. Ordinances or rules that govern the operation of an *unmanned aircraft* or *unmanned aircraft system* that is owned by a city, town or county; or

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- d. Operation by a first responder acting within the scope of the person's official capacity or an emergency worker supporting emergency management activities or performing [emergency functions](#).
5. Requires the Director of the Department of Transportation (ADOT) to provide on the ADOT website:
 - a. Information on resources relating to the operation of a *model aircraft*; and
 - b. Pictures that show examples of *critical facilities*.
6. Prohibits ADOT from identifying the owner or operator or location of a *critical facility*.
7. Defines *civil unmanned aircraft*, *commercial purposes*, *critical facility*, *model aircraft*, *person*, *public unmanned aircraft*, *unmanned aircraft* and *unmanned aircraft system*.
8. Makes technical and conforming changes.

ADDITIONAL INFORMATION

The FAA published [proposed rules](#) on February 15, 2015 to address the regulation of unmanned aircraft systems. On Dec. 14, 2015, the FAA unveiled an interim final rule for [registration](#) that requires owners of small unmanned aircraft between 0.55 pounds and 55 pounds to register their aircrafts by Feb. 19, 2016. Drones purchased after Dec. 21, 2015 must be registered prior to flying outdoors. Registrants must provide their name, home address and e-mail address. Upon completion of the online registration process, a Certificate of Aircraft Registration/Proof of Ownership is generated that includes a unique identification number for the owner. The number must be included on the aircraft. Registrations are valid for three years and the registration fee is \$5 per individual owner. The FAA also issued a [fact sheet](#) on December 17, 2015 outlining the federal regulatory framework for use by states and localities when considering laws affecting unmanned aircraft systems.

According to the National Conference of State Legislatures, 26 states have enacted laws addressing unmanned aircraft issues and an additional six states have adopted resolutions. Additional information regarding state legislation on unmanned aircraft systems can be found [here](#).