



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

**FINAL AMENDED**  
FACT SHEET FOR S.B. 1449

~~unmanned aircraft; prohibited operations~~  
(NOW: prohibited operations; unmanned aircraft)

Purpose

Establishes violations and penalties relating to unmanned aircraft and prohibits political subdivisions from regulation of unmanned aircraft.

Background

The Federal Aviation Administration (FAA) was established by the Federal Aviation Act of 1958 and transferred into the United States Department of Transportation in 1967. The FAA is responsible for providing guidance to the United States aviation community through regulation of civil aviation; development of civil aeronautics, including new aviation technology; operation of the air traffic control system; development of the National Airspace System; execution of programs to control air traffic noise and environmental effects of aviation; and regulation of commercial space transportation (14 C.F.R. Chapter 1).

Federal law defines an *unmanned aircraft* as an aircraft operated without the possibility of direct human intervention from within or on the aircraft. A *model aircraft* is an unmanned aircraft for hobby or recreational purposes that is capable of sustained flight in the atmosphere, flown within the operator's visual line of sight (14 C.F.R. § 1.1).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a person from operating a model aircraft or civil unmanned aircraft and classifies the penalty as a class 1 misdemeanor if any of the following:
  - a) the operation is prohibited by federal law or regulation governing aeronautics; or
  - b) the operation interferes with law enforcement, firefighter or emergency operations;
2. Prohibits a person from operating or using an unmanned aircraft or aircraft system to intentionally photograph or loiter over or near a critical facility in the furtherance of any criminal offense and classifies the violation as a class 6 felony for the first offense and a class 5 felony for subsequent offenses.
3. Prohibits a person from operating or using an unmanned aircraft or aircraft system to intentionally photograph, record or collect information for surveillance or gathering evidence

of another person or another person's real property without prior written consent and classifies the penalty as a class 1 misdemeanor.

4. Prohibits political subdivisions from enacting or adopting any ordinance, policy, rule or regulation relating to ownership or operation of an unmanned aircraft or unmanned aircraft system, unless authorized by law, and deems any ordinance, policy or rule in violation void.
5. Includes entering or remaining unlawfully in or on a critical facility as criminal trespass in the first degree and classifies the penalty as a class 5 felony.
6. Allows political subdivisions to adopt ordinances or rules for use of a public unmanned aircraft or aircraft system owned by the city, town or county.
7. Exempts operations authorized or allowed by FAA if the operation is in compliance with FAA authorization and rules from violations.
8. Specifies that a law enforcement agency is not prohibited from operating an unmanned aircraft for an investigation or a search and rescue operation.
9. Specifies that a first responder or emergency worker is not prohibited from operation of an unmanned aircraft while acting in the first responder's official capacity or while engaged in authorized emergency management activities.
10. Specifies that a city, town or county is not prohibited from adopting ordinance or rules regulating takeoff or landing of a park or preserve if there are other parks in the city, town or county or if there is only one park within the city, town or county limits.
11. Requires the Director of the Arizona Department of Transportation (ADOT) to provide resources and safety guidelines for the operation of model aircraft and photograph examples of critical facilities on the ADOT website.
12. Defines terms.
13. Makes technical and conforming changes.
14. Becomes effective on the general effective date.

#### Amendments Adopted in Committees

- Adopted the strike-everything amendment.

#### Amendments Adopted in Committee of the Whole

1. Stipulates that it is unlawful to operate a model aircraft or civil unmanned aircraft if the operation is in violation of federal statute, including if federal or state law prohibits operation within five miles of a civil or military airport without notice or interference with the operations of a manned aircraft.

2. Requires the Director of ADOT to provide resources and safety guidelines for the operation of model aircraft and photograph examples of critical facilities on the ADOT website.
3. Specifies that a first responder or emergency worker is not prohibited from operation of an unmanned aircraft while acting in the first responder's official capacity or while engaged in authorized emergency management activities.
4. Specifies that it is not unlawful for a person to unintentionally capture private property in the photograph and that a city, town or county is not prohibited from adopting ordinance or rules regulating takeoff or landing of a park or preserve.
5. Removes criminal negligence as a qualification for disorderly conduct.
6. Classifies the penalty for operation of an unmanned aircraft to intentionally photograph, record or collect information for surveillance or gathering evidence of a critical facility is a class 6 felony for the first offense and a class 5 felony for subsequent offenses.
7. Classifies the penalty for operation of an unmanned aircraft to photograph, record or collect information of another person or another person's real property without consent as a class 1 misdemeanor.
8. Specifies that it is unlawful to operate a model aircraft or civil unmanned aircraft that causes the intentional killing of a bird or animal while the model aircraft or civil unmanned aircraft is in flight.
9. Stipulates that a critical facility includes an electrical transmission line of at least 69,000 volts, a facility that transfers or distributes natural gas and any railroad infrastructure or facility.
10. Defines terms.
11. Makes technical and conforming changes.

Amendments Adopted by the House of Representatives

1. Removes language specifying that a model aircraft or civil unmanned aircraft are included in unlawful privacy invasion with a device for the purposes of voyeurism.
2. Removes language specifying that use of a model aircraft is included in criminal trespass through entering into a residential yard.
3. Removes language specifying that disorderly conduct includes recklessly operating a model aircraft or civil unmanned aircraft that endangers a person or a person's real property.
4. Generalizes unlawful operation of a model aircraft or civil unmanned aircraft in violation of federal law, including FAA regulations.

5. Removes language specifying that it is unlawful to cause the intentional killing of a bird or animal with a model aircraft or civil unmanned aircraft while the device is in flight.
6. Deems it unlawful to loiter over or near a critical facility in the furtherance of any criminal offense.
7. Removes specification that penalties do not apply to a person who takes a photograph that unintentionally includes an image of private property.
8. Specifies that a city, town or county is not prohibited from enacting or adopting ordinance or rules that regulate the takeoff or landing of a model aircraft in a park or preserve owned by the city if there is only one park within the city limits.
9. Removes the requirement for the ADOT Aeronautics Division to monitor FAA regulation of model aircraft, civil unmanned aircraft and public unmanned aircraft for three years.
10. Makes conforming changes.

Senate Action

TRANS	2/16/16	DPA/SE	5-1-2
JUD	2/18/16	DPA/SE	7-0-0
3 <sup>rd</sup> Read	3/3/16		29-1-0
Final Read	5/4/16		29-0-1

House Action

JUD	3/16/16	DPA	6-0-0
3 <sup>rd</sup> Read	3/30/16		57-0-3

Signed by the Governor 5/11/16

Chapter 170

Prepared by Senate Research

June 1, 2016

KN/lr