

AMENDED

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE

DATE: February 19, 2016

SUBJECT: Strike everything amendment to S.B. 1449, relating to prohibited operations; unmanned aircraft

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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 or state law or regulation governing aeronautics;
 - b) the operation interferes with law enforcement, firefighter or emergency operations; or
 - c) the operation causes the intentional killing of a bird or animal while in flight.
2. 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 a critical facility without prior written consent and classifies the violation as a class __ felony for the first offense and a class __ 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 __ misdemeanor.
4. Prohibits political subdivisions from enacting or adopting 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 knowingly entering any residential yard through the use of a model aircraft as criminal trespass in the first degree and classifies the penalty as a class 1 misdemeanor.
6. Classifies the reckless or criminally negligent operation of a model aircraft or civil unmanned aircraft that endangers a person or a person's real property as disorderly conduct and establishes the penalty as a class 1 misdemeanor.
7. Specifies that a person's privacy is invaded if the person is photographed, videotaped, filmed, recorded or viewed under certain circumstances through use of a model aircraft or civil unmanned aircraft.
8. 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.
9. Exempts operations authorized or allowed by FAA if the operation is in compliance with FAA authorization and rules from violations.
10. Allows a law enforcement agency to operate an unmanned aircraft for an investigation or a search and rescue operation.
11. Directs the Arizona Department of Transportation's Aeronautics Division to monitor the FAA's regulation of model aircraft, civil unmanned aircraft and public unmanned aircraft for three years and submit annual recommendations to the President of the Senate and the Speaker of the House. Repeals the requirement on January 1, 2020.
12. Defines terms.
13. Makes conforming changes.
14. Becomes effective on the general effective date.

Amendments Adopted in Committees

- Adopted the strike-everything amendment.

STRIKER MEMO - Amended

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Senate Action

TRANS 2/16/16 DPA/SE 5-1-2

JUD 2/18/16 DPA/SE 7-0-0

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