

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1449

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3729; AMENDING SECTIONS 28-8242 AND 28-8280, ARIZONA REVISED STATUTES; RELATING TO UNMANNED AIRCRAFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 37, Arizona Revised Statutes, is amended
3 by adding section 13-3729, to read:

4 13-3729. Unlawful operation of model or unmanned aircraft;
5 state preemption; classification; definitions

6 A. IT IS UNLAWFUL FOR A PERSON TO OPERATE A MODEL AIRCRAFT OR A CIVIL
7 UNMANNED AIRCRAFT IF THE OPERATION:

8 1. IS PROHIBITED BY A FEDERAL LAW OR REGULATION THAT GOVERNS
9 AERONAUTICS, INCLUDING FEDERAL AVIATION ADMINISTRATION REGULATIONS.

10 2. INTERFERES WITH A LAW ENFORCEMENT, FIREFIGHTER OR EMERGENCY
11 SERVICES OPERATION.

12 B. IT IS UNLAWFUL FOR A PERSON TO OPERATE OR USE AN UNMANNED AIRCRAFT
13 OR UNMANNED AIRCRAFT SYSTEM TO INTENTIONALLY PHOTOGRAPH OR LOITER OVER OR
14 NEAR A CRITICAL FACILITY IN THE FURTHERANCE OF ANY CRIMINAL OFFENSE.

15 C. EXCEPT AS AUTHORIZED BY LAW, A CITY, TOWN OR COUNTY MAY NOT ENACT
16 OR ADOPT ANY ORDINANCE, POLICY OR RULE THAT RELATES TO THE OWNERSHIP OR
17 OPERATION OF AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM OR OTHERWISE
18 ENGAGE IN THE REGULATION OF THE OWNERSHIP OR OPERATION OF AN UNMANNED
19 AIRCRAFT OR AN UNMANNED AIRCRAFT SYSTEM. ANY ORDINANCE, POLICY OR RULE THAT
20 VIOLATES THIS SUBSECTION, WHETHER ENACTED OR ADOPTED BY THE CITY, TOWN OR
21 COUNTY BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IS VOID.

22 D. THIS SECTION DOES NOT:

23 1. APPLY TO A PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE
24 FEDERAL AVIATION ADMINISTRATION TO OPERATE OR USE AN UNMANNED AIRCRAFT SYSTEM
25 IF THE PERSON'S OR ENTITY'S OPERATION OR USE COMPLIES WITH THE AUTHORIZATION
26 GRANTED TO THE PERSON OR ENTITY OR WITH FEDERAL AVIATION ADMINISTRATION
27 RULES.

28 2. PROHIBIT A CITY, TOWN OR COUNTY FROM ENACTING OR ADOPTING
29 ORDINANCES OR RULES ON THE OPERATION OR USE OF A PUBLIC UNMANNED AIRCRAFT
30 THAT IS OWNED BY THE CITY, TOWN OR COUNTY.

31 3. PROHIBIT A CITY, TOWN OR COUNTY FROM ENACTING OR ADOPTING
32 ORDINANCES OR RULES THAT REGULATE THE TAKEOFF OR LANDING OF A MODEL AIRCRAFT
33 IN A PARK OR PRESERVE OWNED BY THE CITY, TOWN OR COUNTY IF:

34 (a) THERE ARE OTHER PARKS OR PRESERVES THAT ARE WITHIN THE CITY, TOWN
35 OR COUNTY AND THAT ARE AVAILABLE FOR MODEL AIRCRAFT OPERATION.

36 (b) THE CITY, TOWN OR COUNTY ONLY HAS ONE PARK OR PRESERVE THAT IS
37 WITHIN THE CITY, TOWN OR COUNTY.

38 4. APPLY TO THE OPERATION OF AN UNMANNED AIRCRAFT, INCLUDING A PUBLIC
39 UNMANNED AIRCRAFT, BY A FIRST RESPONDER AS DEFINED IN SECTION 36-661 WHILE
40 ACTING IN THE FIRST RESPONDER'S OFFICIAL CAPACITY OR AN EMERGENCY WORKER
41 WHILE ENGAGED IN OR SUPPORTING AUTHORIZED EMERGENCY MANAGEMENT ACTIVITIES OR
42 PERFORMING EMERGENCY FUNCTIONS PURSUANT TO TITLE 26, CHAPTER 2.

43 E. A VIOLATION OF SUBSECTION B OF THIS SECTION IS A CLASS 6 FELONY,
44 EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION IS A CLASS 5 FELONY. A
45 VIOLATION OF SUBSECTION A OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

- 1 F. FOR THE PURPOSES OF THIS SECTION:
2 1. "CIVIL UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED
3 AIRCRAFT SYSTEM THAT IS OPERATED BY A PERSON FOR ANY PURPOSE OTHER THAN
4 STRICTLY FOR HOBBY OR RECREATIONAL PURPOSES, INCLUDING COMMERCIAL PURPOSES,
5 OR IN FURTHERANCE OF OR INCIDENTAL TO ANY BUSINESS OR MEDIA SERVICE OR
6 AGENCY.
7 2. "COMMERCIAL PURPOSES" MEANS THE USE OF AN UNMANNED AIRCRAFT IN
8 RETURN FOR FINANCIAL COMPENSATION AND INCLUDES AERIAL PHOTOGRAPHY, AERIAL
9 MAPPING OR GEOSPATIAL IMAGING.
10 3. "CRITICAL FACILITY" MEANS ANY OF THE FOLLOWING:
11 (a) A PETROLEUM OR ALUMINA REFINERY.
12 (b) A PETROLEUM, CHEMICAL OR RUBBER PRODUCTION, TRANSPORTATION,
13 STORAGE OR PROCESSING FACILITY.
14 (c) A CHEMICAL MANUFACTURING FACILITY.
15 (d) A WATER OR WASTEWATER TREATMENT FACILITY AND WATER DEVELOPMENT,
16 DISTRIBUTION OR CONVEYANCE SYSTEM, INCLUDING A DAM.
17 (e) AN ELECTRIC GENERATION FACILITY, AS DEFINED IN SECTION 42-14156,
18 AND ANY ASSOCIATED SUBSTATION OR SWITCHYARD.
19 (f) AN ELECTRICAL TRANSMISSION OR DISTRIBUTION SUBSTATION.
20 (g) AN ELECTRICAL TRANSMISSION LINE OF AT LEAST SIXTY-NINE THOUSAND
21 VOLTS.
22 (h) AN ELECTRONIC COMMUNICATION STATION OR TOWER.
23 (i) AN ENERGY CONTROL CENTER.
24 (j) A DISTRIBUTION OPERATING CENTER.
25 (k) A FACILITY THAT TRANSFERS OR DISTRIBUTES NATURAL GAS, INCLUDING A
26 COMPRESSOR STATION, REGULATOR STATION, CITY GATE STATION OR PRESSURE LIMITING
27 STATION OR A LIQUEFIED NATURAL GAS FACILITY OR SUPPLIER TAP FACILITY.
28 (l) ANY RAILROAD INFRASTRUCTURE OR FACILITY.
29 (m) A FEDERAL, STATE, COUNTY OR MUNICIPAL COURT.
30 (n) A PUBLIC SAFETY OR EMERGENCY OPERATION FACILITY.
31 (o) A FEDERAL, STATE, COUNTY OR MUNICIPAL JAIL OR PRISON OR OTHER
32 FACILITY IN WHICH PERSONS ARE INCARCERATED.
33 (p) A FEDERAL OR STATE MILITARY INSTALLATION OR FACILITY.
34 (q) A HOSPITAL THAT RECEIVES AIR AMBULANCE SERVICES.
35 4. "MODEL AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION 336 OF
36 THE FAA MODERNIZATION AND REFORM ACT OF 2012 (P.L. 112-95), AS AMENDED.
37 5. "PERSON" MEANS A CORPORATION, FIRM, PARTNERSHIP, ASSOCIATION,
38 INDIVIDUAL OR ORGANIZATION OR ANY OTHER GROUP ACTING AS A UNIT.
39 6. "PUBLIC UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED
40 AIRCRAFT SYSTEM THAT IS OPERATED BY A PUBLIC AGENCY FOR A GOVERNMENT-RELATED
41 PURPOSE.
42 7. "UNMANNED AIRCRAFT" MEANS AN AIRCRAFT, INCLUDING AN AIRCRAFT
43 COMMONLY KNOWN AS A DRONE, THAT IS OPERATED WITHOUT THE POSSIBILITY OF DIRECT
44 HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT.

1 8. "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED AIRCRAFT AND
2 ASSOCIATED ELEMENTS, INCLUDING ANY COMMUNICATION LINKS AND COMPONENTS THAT
3 CONTROL THE UNMANNED AIRCRAFT.

4 Sec. 2. Section 28-8242, Arizona Revised Statutes, is amended to read:
5 28-8242. Powers and duties

6 A. The department:

7 1. Shall cooperate with all state, local and federal organizations to
8 encourage and advance the safe and orderly development of aviation in this
9 state.

10 2. May:

11 (a) Assemble and distribute to the public information relating to
12 aviation, landing fields, navigational aids and other matters pertaining to
13 aviation.

14 (b) Accept, in the name of this state, federal monies made available
15 for the advancement of aviation.

16 (c) Represent this state on issues of routing structures and rate
17 schedules concerning commercial airline traffic.

18 (d) Accept and receive federal and other public or private monies for
19 the acquisition, construction, enlargement, improvement, maintenance,
20 equipment or operation of airports and other air navigation facilities and
21 sites for air navigation facilities or for any other purpose authorized by
22 this section. The department shall deposit, pursuant to sections 35-146 and
23 35-147, these monies in the state aviation fund.

24 (e) Facilitate the development of a regional airport.

25 (f) Loan monies from the state aviation fund to an airport authority
26 that enters into an agreement with the United States for an airport
27 development project if the airport authority designates in its agreement with
28 the United States that payment of federal participating monies shall be made
29 to the department acting as the agent of the airport authority and enters
30 into an agreement with the department appointing the department as agent of
31 the airport authority to receive all federal participating monies. The
32 department shall deposit, pursuant to sections 35-146 and 35-147, all monies
33 received pursuant to this subdivision in the state aviation fund. For the
34 purposes of this subdivision, "airport authority" means the governing body of
35 a public airport operating pursuant to sections 28-8423 and 28-8424 or a
36 joint powers airport authority.

37 B. Notwithstanding section 38-623, the director may authorize
38 personnel of the department to use rental aircraft in the performance of
39 their duties at the prevailing hourly rate. The rental fee is a charge
40 against monies appropriated for in-state and out-of-state travel.

41 C. The director shall adopt rules as necessary to administer this
42 article and articles 1, 3, 4 and 5 of this chapter and to promote public
43 safety and the best interests of aviation in this state. The rules shall not
44 supersede or conflict with rules of the United States government agencies
45 having jurisdiction over aviation activities in this state.

1 D. The director shall:

2 1. Contract for the operation of state owned airports.

3 2. In conjunction with local authorities, plan, build and develop
4 airports, airport terminals and other related navigational facilities.

5 3. Operate and maintain the Grand Canyon national park airport located
6 in the Kaibab national forest, Coconino county.

7 4. PROVIDE ON THE DEPARTMENT'S WEBSITE INFORMATION ON RESOURCES FOR
8 OPERATING A MODEL AIRCRAFT, INCLUDING SAFETY GUIDELINES ESTABLISHED BY A
9 NATIONWIDE AERONAUTICS COMMUNITY-BASED ORGANIZATION.

10 5. PROVIDE ON THE DEPARTMENT'S WEBSITE PICTURES THAT SHOW EXAMPLES OF
11 CRITICAL FACILITIES, AS DEFINED IN SECTION 13-3729, TO PROVIDE UNMANNED
12 AIRCRAFT OPERATORS WITH INFORMATION ON WHAT IS CONSIDERED A CRITICAL
13 FACILITY. A PICTURE OR ANY WRITTEN DESCRIPTION ON THE WEBSITE MAY NOT
14 IDENTIFY THE OWNER OR OPERATOR OF THE CRITICAL FACILITY OR THE LOCATION OF
15 THE CRITICAL FACILITY.

16 Sec. 3. Section 28-8280, Arizona Revised Statutes, is amended to read:

17 28-8280. Careless or reckless aircraft operation; violation;
18 classification; definitions

19 A. A person who operates an aircraft in the air, on the ground or on
20 the water in a careless or reckless manner that endangers the life or
21 property of another is guilty of a class 1 misdemeanor. In determining
22 whether the operation was careless or reckless, the court shall consider the
23 standards for safe operation of aircraft prescribed by federal statutes or
24 regulations governing aeronautics.

25 B. FOR THE PURPOSES OF THIS SECTION:

26 1. "AIRCRAFT" INCLUDES A MODEL AIRCRAFT AND CIVIL UNMANNED AIRCRAFT.

27 2. "CIVIL UNMANNED AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN
28 SECTION 13-3729.

29 3. "MODEL AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION
30 13-3729.