

REFERENCE TITLE: **unmanned aircraft; prohibited operations**

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

SB 1449

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 13-2904, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3729; 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. Section 13-2904, Arizona Revised Statutes, is amended to
3 read:

4 13-2904. Disorderly conduct; classification

5 A. A person commits disorderly conduct if, with intent to disturb the
6 peace or quiet of a neighborhood, family or person, or with knowledge of
7 doing so, such person:

8 1. Engages in fighting, violent or seriously disruptive behavior; or

9 2. Makes unreasonable noise; or

10 3. Uses abusive or offensive language or gestures to any person
11 present in a manner likely to provoke immediate physical retaliation by such
12 person; or

13 4. Makes any protracted commotion, utterance or display with the
14 intent to prevent the transaction of the business of a lawful meeting,
15 gathering or procession; or

16 5. Refuses to obey a lawful order to disperse issued to maintain
17 public safety in dangerous proximity to a fire, a hazard or any other
18 emergency; or

19 6. Recklessly handles, displays or discharges a deadly weapon or
20 dangerous instrument.

21 7. OPERATES A MODEL AIRCRAFT OR CIVIL UNMANNED AIRCRAFT IN DANGEROUS
22 PROXIMITY TO A PERSON OR A PERSON'S PROPERTY UNLESS THE PERSON HAS CONSENTED
23 TO THE OPERATION. FOR THE PURPOSES OF THIS PARAGRAPH, "MODEL AIRCRAFT" AND
24 "CIVIL UNMANNED AIRCRAFT" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION
25 13-3729.

26 B. Disorderly conduct under subsection A, paragraph 6 is a class 6
27 felony. Disorderly conduct under subsection A, paragraph 1, 2, 3, 4, ~~or~~ 5 OR
28 7 is a class 1 misdemeanor.

29 Sec. 2. Title 13, chapter 37, Arizona Revised Statutes, is amended by
30 adding section 13-3729, to read:

31 13-3729. Prohibited operation of model or unmanned aircraft;
32 state preemption; definitions

33 A. A PERSON MAY NOT OPERATE A MODEL AIRCRAFT OR A CIVIL UNMANNED
34 AIRCRAFT IF THE OPERATION:

35 1. IS PROHIBITED BY A FEDERAL LAW OR REGULATION THAT GOVERNS
36 AERONAUTICS.

37 2. VIOLATES A TEMPORARY FLIGHT RESTRICTION OR NOTICE TO AIRMAN THAT IS
38 ISSUED BY THE FEDERAL AVIATION ADMINISTRATION.

39 3. INTERFERES IN THE OPERATION OF A MANNED AIRCRAFT.

40 4. INTERFERES WITH A LAW ENFORCEMENT OR FIREFIGHTER OPERATION.

41 5. IS IN A CARELESS OR RECKLESS MANNER THAT ENDANGERS THE LIFE OR
42 PROPERTY OF ANOTHER PERSON.

43 6. CAUSES THE INTENTIONAL KILLING OF A BIRD OR ANIMAL WHILE IN FLIGHT.

44 B. A PERSON MAY NOT OPERATE A MODEL AIRCRAFT WITHIN A HORIZONTAL
45 DISTANCE OF FIVE HUNDRED FEET OR A VERTICAL DISTANCE OF TWO HUNDRED FIFTY

1 FEET MEASURED FROM THE OUTERMOST FENCE, PHYSICAL BOUNDARY OR WALL OF A
2 CRITICAL FACILITY WITHOUT THE WRITTEN CONSENT OF THE ENTITY THAT LAWFULLY
3 OWNS, OPERATES, POSSESSES OR CONTROLS THE CRITICAL FACILITY.

4 C. THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO
5 OPERATE A CIVIL UNMANNED AIRCRAFT PURSUANT TO AN EXEMPTION UNDER SECTION 333
6 OF THE FAA MODERNIZATION AND REFORM ACT OF 2012 (P.L. 112-95) OR A
7 CERTIFICATE OF WAIVER, A CERTIFICATE OF AUTHORIZATION OR AN AIRWORTHINESS
8 CERTIFICATE UNDER 49 UNITED STATES CODE SECTION 44704 OR ANOTHER FEDERAL
9 AVIATION ADMINISTRATION GRANT OF AUTHORITY FOR SPECIFIC FLIGHT OPERATIONS OR
10 OTHER OPERATIONS THAT ARE CONDUCTED PURSUANT TO THE AUTHORITY GRANTED BY THE
11 FEDERAL AVIATION ADMINISTRATION.

12 D. EXCEPT AS AUTHORIZED BY LAW, A POLITICAL SUBDIVISION OF THIS STATE
13 MAY NOT ENACT OR ADOPT ANY ORDINANCE, POLICY OR RULE THAT RELATES TO THE
14 OWNERSHIP OR OPERATION OF AN UNMANNED AIRCRAFT, AN UNMANNED AIRCRAFT SYSTEM,
15 A CIVIL UNMANNED AIRCRAFT OR A PUBLIC UNMANNED AIRCRAFT OR OTHERWISE ENGAGE
16 IN THE REGULATION OF THE OWNERSHIP OR OPERATION OF AN UNMANNED AIRCRAFT, AN
17 UNMANNED AIRCRAFT SYSTEM, A CIVIL UNMANNED AIRCRAFT OR A PUBLIC UNMANNED
18 AIRCRAFT IF THE ORDINANCE, POLICY OR RULE IS MORE PROHIBITIVE THAN OR HAS A
19 PENALTY THAT IS GREATER THAN ANY STATE LAW PENALTY, WHETHER ENACTED OR
20 ADOPTED BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

21 E. FOR THE PURPOSES OF THIS SECTION:

22 1. "CIVIL UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED
23 AIRCRAFT SYSTEM THAT IS OPERATED BY A PERSON FOR ANY PURPOSE OTHER THAN
24 STRICTLY HOBBY OR RECREATIONAL PURPOSES, INCLUDING COMMERCIAL PURPOSES, OR IN
25 FURTHERANCE OF OR INCIDENTAL TO ANY BUSINESS OR MEDIA SERVICE OR AGENCY.

26 2. "CRITICAL FACILITY" MEANS A FACILITY THAT IS OWNED OR LEASED FOR
27 ANY OF THE FOLLOWING PURPOSES:

28 (a) A PETROLEUM REFINERY.

29 (b) A PETROLEUM OR CHEMICAL PRODUCTION, TRANSPORTATION, STORAGE OR
30 PROCESSING FACILITY.

31 (c) A CHEMICAL MANUFACTURING FACILITY.

32 (d) A WATER OR WASTEWATER TREATMENT FACILITY AND WATER DISTRIBUTION OR
33 CONVEYANCE SYSTEM.

34 (e) A POWER GENERATING STATION PLANT OR SUBSTATION.

35 (f) A FEDERAL, STATE, COUNTY OR MUNICIPAL COURT.

36 (g) A PUBLIC SAFETY OR EMERGENCY OPERATION FACILITY.

37 (h) A FEDERAL, STATE, COUNTY OR MUNICIPAL JAIL OR PRISON OR OTHER
38 FACILITY IN WHICH PERSONS ARE INCARCERATED.

39 (i) A FEDERAL OR STATE MILITARY INSTALLATION OR FACILITY.

40 (j) A HOSPITAL.

41 (k) A PROPERLY MARKED FEDERAL, STATE, COUNTY OR MUNICIPAL OWNED
42 BUILDING.

43 3. "MODEL AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT
44 SYSTEM THAT IS OPERATED BY A PERSON STRICTLY FOR HOBBY OR RECREATIONAL
45 PURPOSES.

1 4. "PUBLIC UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED
2 AIRCRAFT SYSTEM THAT IS OPERATED BY A PUBLIC AGENCY FOR A GOVERNMENT-RELATED
3 PURPOSE.

4 5. "UNMANNED AIRCRAFT" MEANS AN AIRCRAFT, INCLUDING AN AIRCRAFT
5 COMMONLY KNOWN AS A DRONE, THAT IS OPERATED WITHOUT THE POSSIBILITY OF DIRECT
6 HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT.

7 6. "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED AIRCRAFT AND
8 ASSOCIATED ELEMENTS, INCLUDING ANY COMMUNICATION LINKS AND COMPONENTS THAT
9 CONTROL THE UNMANNED AIRCRAFT.

10 Sec. 3. Arizona department of transportation; monitoring of
11 federal aviation administration regulations; annual
12 report; delayed repeal

13 A. Beginning on the effective date of this act and for three years
14 thereafter, the Arizona department of transportation's aeronautics division
15 shall monitor the federal aviation administration's regulation of model
16 aircraft, civil unmanned aircraft and public unmanned aircraft as those terms
17 are defined in section 13-3729, Arizona Revised Statutes, as added by this
18 act. The division shall consult with representatives of model aircraft,
19 civil unmanned aircraft and public unmanned aircraft, law enforcement and
20 political subdivisions in this state on whether amendments to section
21 13-3729, Arizona Revised Statutes, as added by this act, are necessary due to
22 changes in federal regulations made by the federal aviation administration.

23 B. The Arizona department of transportation's aeronautics division
24 shall submit an annual report in each year that monitoring is required by
25 subsection A of this section to the president of the senate and the speaker
26 of the house of representatives that makes recommendations for amendments to
27 section 13-3729, Arizona Revised Statutes, as added by this act.

28 C. This section is repealed from and after December 31, 2019.