

Senate Engrossed

~~unmanned aircraft; photography; loitering prohibited~~  
(now: unmanned aircraft; photography; private place)

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1277

AN ACT

AMENDING SECTION 13-3729, ARIZONA REVISED STATUTES; RELATING TO THE  
UNLAWFUL OPERATION OF MODEL OR 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 13-3729, Arizona Revised Statutes, is amended to  
3 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  
7 civil 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  
13 aircraft or unmanned aircraft system to **DO EITHER OF THE FOLLOWING:**

14 1. Intentionally photograph or loiter over or near a critical  
15 facility in the furtherance of any criminal offense.

16 2. **EXCEPT AS OTHERWISE AUTHORIZED BY LAW, INTENTIONALLY PHOTOGRAPH,**  
17 **RECORD OR OTHERWISE OBSERVE ANOTHER PERSON IN A PRIVATE PLACE WHERE THE**  
18 **PERSON HAS A REASONABLE EXPECTATION OF PRIVACY.**

19 C. Except as authorized by law, a city, town or county may not  
20 enact or adopt any ordinance, policy or rule that relates to the ownership  
21 or operation of an unmanned aircraft or unmanned aircraft system or  
22 otherwise engage in the regulation of the ownership or operation of an  
23 unmanned aircraft or an unmanned aircraft system. Any ordinance, policy  
24 or rule that violates this subsection, whether enacted or adopted by the  
25 city, town or county before or after August 6, 2016, is void.

26 D. **SUBSECTION A AND SUBSECTION B, PARAGRAPH 1 OF** this section ~~does~~  
27 ~~DO~~ not ~~—~~

28 ~~—~~ apply to a person or entity that is authorized or allowed by the  
29 federal aviation administration to operate or use an unmanned aircraft  
30 system if the person's or entity's operation or use complies with the  
31 authorization granted to the person or entity or with federal aviation  
32 administration rules.

33 E. **SUBSECTION B, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO A**  
34 **PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE PERSON IN THE**  
35 **PRIVATE PLACE TO OPERATE OR USE AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT**  
36 **SYSTEM.**

37 F. **THIS SECTION DOES NOT:**

38 ~~2-~~ 1. Prohibit a city, town or county from enacting or adopting  
39 ordinances or rules on the operation or use of a public unmanned aircraft  
40 that is owned by the city, town or county.

41 ~~3-~~ 2. Prohibit a city, town or county from enacting or adopting  
42 ordinances or rules that regulate the takeoff or landing of a model  
43 aircraft in a park or preserve owned by the city, town or county if:

44 (a) There are other parks or preserves that are within the city,  
45 town or county and that are available for model aircraft operation.

1 (b) The city, town or county only has one park or preserve that is  
2 within the city, town or county.

3 ~~F.~~ 3. Apply to the operation of an unmanned aircraft, including a  
4 public unmanned aircraft, by a first responder as defined in section  
5 36-661 while acting in the first responder's official capacity or an  
6 emergency worker while engaged in or supporting authorized emergency  
7 management activities or performing emergency functions pursuant to title  
8 26, chapter 2.

9 ~~F.~~ G. A violation of subsection B of this section is a class 6  
10 felony, except that a second or subsequent violation is a class 5 felony.  
11 A violation of subsection A of this section is a class 1 misdemeanor.

12 ~~F.~~ H. For the purposes of this section:

13 1. "Civil unmanned aircraft" means an unmanned aircraft or unmanned  
14 aircraft system that is operated by a person for any purpose other than  
15 strictly for hobby or recreational purposes, including commercial  
16 purposes, or in furtherance of or incidental to any business or media  
17 service or agency.

18 2. "Commercial purposes" means the use of an unmanned aircraft in  
19 return for financial compensation and includes aerial photography, aerial  
20 mapping or geospatial imaging.

21 3. "Critical facility" means any of the following:

22 (a) A petroleum or alumina refinery.

23 (b) A petroleum, chemical or rubber production, transportation,  
24 storage or processing facility.

25 (c) A chemical manufacturing facility.

26 (d) A water or wastewater treatment facility and water development,  
27 distribution or conveyance system, including a dam.

28 (e) An electric generation facility, as defined in section  
29 42-14156, and any associated substation or switchyard.

30 (f) An electrical transmission or distribution substation.

31 (g) An electrical transmission line of at least sixty-nine thousand  
32 volts.

33 (h) An electronic communication station or tower.

34 (i) An energy control center.

35 (j) A distribution operating center.

36 (k) A facility that transfers or distributes natural gas, including  
37 a compressor station, regulator station, city gate station or pressure  
38 limiting station or a liquefied natural gas facility or supplier tap  
39 facility.

40 (l) Any railroad infrastructure or facility.

41 (m) A federal, state, county or municipal court.

42 (n) A public safety or emergency operation facility.

43 (o) A federal, state, county or municipal jail or prison or other  
44 facility in which persons are incarcerated.

45 (p) A federal or state military installation or facility.

1 (q) A hospital that receives air ambulance services.

2 4. "Model aircraft" has the same meaning prescribed in section 336  
3 of the FAA modernization and reform act of 2012 (P.L. 112-95), as amended.

4 5. "Person" means a corporation, firm, partnership, association,  
5 individual or organization or any other group acting as a unit.

6 6. "Public unmanned aircraft" means an unmanned aircraft or  
7 unmanned aircraft system that is operated by a public agency for a  
8 government-related purpose.

9 7. "Unmanned aircraft" means an aircraft, including an aircraft  
10 commonly known as a drone, that is operated without the possibility of  
11 direct human intervention from within or on the aircraft.

12 8. "Unmanned aircraft system" means an unmanned aircraft and  
13 associated elements, including any communication links and components that  
14 control the unmanned aircraft.