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

Section 1. Section 13-3729, Arizona Revised Statutes, is amended to read:

13-3729. Unlawful operation of model or unmanned aircraft; state preemption; classification; definitions
A. It is unlawful for a person to operate a model aircraft or a civil unmanned aircraft if the operation:
1. Is prohibited by a federal law or regulation that governs aeronautics, including federal aviation administration regulations.
2. Interferes with a law enforcement, firefighter or emergency services operation.
B. It is unlawful for a person to operate or use an unmanned aircraft or unmanned aircraft system to DO EITHER OF THE FOLLOWING:
1. Intentionally photograph or loiter over or near a critical facility in the furtherance of any criminal offense.
2. EXCEPT AS OTHERWISE AUTHORIZED BY LAW, INTENTIONALLY PHOTOGRAPH, RECORD OR OTHERWISE OBSERVE ANOTHER PERSON IN A PRIVATE PLACE WHERE THE PERSON HAS A REASONABLE EXPECTATION OF PRIVACY.
C. Except as authorized by law, a city, town or county may not enact or adopt any ordinance, policy or rule that relates to the ownership or operation of an unmanned aircraft or unmanned aircraft system or otherwise engage in the regulation of the ownership or operation of an unmanned aircraft or an unmanned aircraft system. Any ordinance, policy or rule that violates this subsection, whether enacted or adopted by the city, town or county before or after August 6, 2016, is void.
D. SUBSECTION A AND SUBSECTION B, PARAGRAPH 1 OF this section does not:
   1. apply to a person or entity that is authorized or allowed by the federal aviation administration to operate or use an unmanned aircraft system if the person's or entity's operation or use complies with the authorization granted to the person or entity or with federal aviation administration rules.
E. SUBSECTION B, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO A PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE PERSON IN THE PRIVATE PLACE TO OPERATE OR USE AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM.
F. THIS SECTION DOES NOT:
   1. Prohibit a city, town or county from enacting or adopting ordinances or rules on the operation or use of a public unmanned aircraft that is owned by the city, town or county.
   2. Prohibit a city, town or county from enacting or adopting ordinances or rules that regulate the takeoff or landing of a model aircraft in a park or preserve owned by the city, town or county if:
      (a) There are other parks or preserves that are within the city, town or county and that are available for model aircraft operation.
(b) The city, town or county only has one park or preserve that is within the city, town or county.

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

\[G\] A violation of subsection B of this section is a class 6 felony, except that a second or subsequent violation is a class 5 felony. A violation of subsection A of this section is a class 1 misdemeanor.

\[H\] For the purposes of this section:

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

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

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

(a) A petroleum or alumina refinery.

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

(c) A chemical manufacturing facility.

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

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

(f) An electrical transmission or distribution substation.

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

(h) An electronic communication station or tower.

(i) An energy control center.

(j) A distribution operating center.

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

(l) Any railroad infrastructure or facility.

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

(n) A public safety or emergency operation facility.

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

(p) A federal or state military installation or facility.
(q) A hospital that receives air ambulance services.

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

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

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

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

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