



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

VETOED

AMENDED

FACT SHEET FOR S.B. 1277

unmanned aircraft; photography; loitering prohibited

Purpose

Deems it unlawful for a person to operate or use an unmanned aircraft or unmanned aircraft system to intentionally photograph, record or otherwise observe another person in a private place where the person has a reasonable expectation of privacy.

Background

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 (FAA) regulations; or 2) interferes with a law enforcement, firefighter or emergency services operation. Furthermore, it is also unlawful for a person to operate or use an unmanned aircraft or unmanned aircraft system to intentionally photograph or loiter over or near a critical facility in the furtherance of any criminal offence. A city or town is prohibited from enacting or adopting 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 ([A.R.S. § 13-3729](#)).

The federal government created an exception for limited recreational operations of unmanned aircraft to allow individuals flying drones purely for personal enjoyment or recreational purposes to operate without having to comply with commercial drone regulations ([49 U.S.C. § 44809](#)). The rules that apply to recreational flyers stipulate that the operator: 1) must fly only for recreational purposes; 2) follow safety guidelines from a FAA recognized community-based organization; 3) keep the drone within the visual line of sight or use a visual observer who is located next to and in direct communication with the operator; 4) give way and do not interfere with other aircraft; 5) fly at or below FAA-authorized altitudes in a controlled airspace; 6) fly at or below 400 feet in a Class G airspace; 7) must have taken the Recreational UAS Safety Test and carry proof of test passage when flying; 8) must have a current FAA registration, mark on the outside of the drone with the registration number and carry proof of the registration; and 9) is prohibited from operating the drone in a manner that endangers the safety of the national airspace system ([FAA Recreational Flyers Rules](#)).

Unmanned aircraft is 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 ([A.R.S. § 13-3729](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Deems it unlawful for a person to operate or use an unmanned aircraft or unmanned aircraft system to intentionally photograph, record or otherwise observe another person in a private place where the person has a reasonable expectation of privacy.
2. Specifies that the unlawful operation or use of an unmanned aircraft or unmanned aircraft system to intentionally photograph, record or otherwise observe another person in a private place 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.
3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Deems it unlawful for a person to operate or use an unmanned aircraft or unmanned aircraft system to intentionally photograph, record or otherwise observe another person in a private place where the person has a reasonable expectation of privacy, rather than intentionally photograph or loiter over or near a residential structure.

Governor's Veto Message

The Governor indicates in her [veto message](#) that statute already protects Arizonans from privacy violations and that S.B. 1277 will negatively affect and restrict the work of broadcasters, newspapers, telecommunication providers and insurance providers in Arizona.

Senate Action

JUD 2/16/23 DP 4-3-0
3rd Read 3/8/23 20-9-1

House Action

JUD 3/29/23 DP 5-2-0-1
3rd Read 5/15/23 40-18-1-0-1

Vetoed by the Governor 6/5/23

Prepared by Senate Research

June 6, 2023

ZD/SB/sr