| 1 2 | State of Arkansas 90th General Assembly | $\mathop{\mathrm{As}} olimits_{\mathrm{Bill}}^{\mathit{As Engrossed: H3/13/15}}$ | |
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| 3 | Regular Session, 2015 | | HOUSE BILL 1770 |
| 4 | | | |
| 5 | By: Representative Shepherd | | |
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| 7 | | For An Act To Be Entitled | |
| 8 | AN ACT CON | ICERNING THE REGULATION OF AERONAUTIO | CS; TO |
| 9 | RESTRICT T | THE USE OF UNMANNED AIRCRAFT SYSTEMS | UNDER |
| 10 | CERTAIN CI | RCUMSTANCES; TO PROVIDE FOR CRIMINAL | |
| 11 | PENALTIES | AND CIVIL LIABILITY; AND FOR OTHER | |
| 12 | PURPOSES. | | |
| 13 | | | |
| 14 | | | |
| 15 | | Subtitle | |
| 16 | CONC | ERNING THE REGULATION OF AERONAUTICS | ; |
| 17 | TO R | ESTRICT THE USE OF UNMANNED AIRCRAFT | |
| 18 | SYST | EMS UNDER CERTAIN CIRCUMSTANCES; AND | |
| 19 | TO P | ROVIDE FOR CRIMINAL PENALTIES AND | |
| 20 | CIVI | L LIABILITY. | |
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| 22 | | | |
| 23 | BE IT ENACTED BY THE C | GENERAL ASSEMBLY OF THE STATE OF ARKA | ANSAS: |
| 24 | | | |
| 25 | SECTION 1. Arka | unsas Code Title 5, Chapter 60, Subch | napter 1, is amended |
| 26 | to add an additional s | section to read as follows: | |
| 27 | 5-60-103. Unlaw | rful use of unmanned aircraft system. | <u>L</u> |
| 28 | (a) As used in | | |
| 29 | <u>(1)(A) "U</u> | Unmanned aircraft system" means an ur | manned, powered |
| 30 | aircraft that: | | |
| 31 | | (i) Does not carry a human operat | cor; |
| 32 | | (ii) Can be autonomous or remotel | <u>y piloted or</u> |
| 33 | operated; and | | |
| 34 | | (iii) Can be expendable or recove | erable. |
| 35 | <u>(B)</u> | "Unmanned aircraft system" does not | include: |
| 36 | | (i) A satellite orbiting the eart | <u>:h;</u> |

| I | (ii) An unmanned aircraft system used by the federal |
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| 2 | government or a person who is acting pursuant to contract with the federal |
| 3 | government to conduct surveillance of specific critical infrastructure; |
| 4 | (iii) An unmanned aircraft system used by the state |
| 5 | after consultation with the Governor or a person who is acting under contract |
| 6 | with the state to conduct surveillance of specific critical infrastructure; |
| 7 | (iv)(a) An unmanned aircraft system used pursuant to |
| 8 | prior written authorization of the Arkansas Department of Emergency |
| 9 | Management. |
| 10 | (b) The department shall provide standards for |
| 11 | authorizations under subdivision (a)(l)(B)(iv)(a) of this section in rules |
| 12 | adopted in accordance with the Administrative Procedure Act, § 25-15-201, et |
| 13 | seq., after consultation with the Governor; |
| 14 | (v) An unmanned aircraft system used under a |
| 15 | certificate of authorization issued by the Federal Aviation Administration; |
| 16 | <u>or</u> |
| 17 | (vi) An unmanned aircraft used by a law enforcement |
| 18 | agency, emergency medical service agency, hazardous materials response team, |
| 19 | disaster management agency, or other emergency management agency for the |
| 20 | purpose of incident command, area reconnaissance, personnel and equipment |
| 21 | deployment monitoring, training, or a related purpose; and |
| 22 | (2) "Critical infrastructure" means: |
| 23 | (A) An electrical power generation or delivery system; |
| 24 | (B) A petroleum refinery; |
| 25 | (C) A chemical or rubber manufacturing facility; or |
| 26 | (D) A petroleum or chemical storage facility. |
| 27 | (b) A person commits the offense of unlawful use of an unmanned |
| 28 | aircraft system if he or she knowingly uses an unmanned aircraft system to |
| 29 | conduct surveillance of, gather evidence or collect information about, or |
| 30 | photographically or electronically record critical infrastructure without the |
| 31 | prior written consent of the owner of the critical infrastructure. |
| 32 | (c) This section does not prohibit: |
| 33 | (1)(A) A person from using an unmanned aircraft system to |
| 34 | conduct surveillance of, gather evidence or collect information about, or |
| 35 | photographically or electronically record his or her own property that is: |
| 36 | (i) Located on his or her own immovable property; or |

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| 1 | (ii) Located on immovable property owned by another |
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| 2 | person under a valid lease, servitude, right-of-way, right of use, permit, |
| 3 | license, or other right. |
| 4 | (B) A third person retained by the owner of the property |
| 5 | described in subdivision (c)(l)(A) of this section to conduct activities |
| 6 | described in subdivision (c)(l)(A) of this section is not prohibited under |
| 7 | this section from using an unmanned aircraft system to conduct the activities |
| 8 | described in subdivision (c)(1) of this section; or |
| 9 | (2) An insurance company or a person acting on behalf of an |
| 10 | insurance company from using an unmanned aircraft system for purposes of |
| 11 | underwriting an insurance risk or investigating damage to insured property. |
| 12 | (d) Unlawful use of unmanned aircraft system is: |
| 13 | (1) A Class B misdemeanor; or |
| 14 | (2) A Class A misdemeanor for a second or subsequent offense. |
| 15 | |
| 16 | SECTION 2. Arkansas Code Title 16, Chapter 118, is amended to add an |
| 17 | additional section to read as follows: |
| 18 | 16-118-111. Civil actions for against operators of an unmanned |
| 19 | aircraft system. |
| 20 | A person who violates § 5-60-103 is also liable to the owner of the |
| 21 | critical infrastructure that is the subject of the violation as follows: |
| 22 | (1) Any actual damages sustained as a result of the violation, |
| 23 | or ten thousand dollars (\$10,000), whichever is greater; |
| 24 | (2) Three (3) times actual damages, or ten thousand dollars |
| 25 | (\$10,000), whichever is greater, in a case in which the violation resulted in |
| 26 | profit or monetary gain; and |
| 27 | (3) The costs of an action brought under this section, together |
| 28 | with reasonable attorney's fees as determined by the court. |
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| 30 | /s/Shepherd |
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