

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: H3/13/15*  
**A Bill**

HOUSE BILL 1770

5 By: Representative Shepherd  
6

7 **For An Act To Be Entitled**

8 AN ACT CONCERNING THE REGULATION OF AERONAUTICS; TO  
9 RESTRICT THE USE OF UNMANNED AIRCRAFT SYSTEMS UNDER  
10 CERTAIN CIRCUMSTANCES; TO PROVIDE FOR CRIMINAL  
11 PENALTIES AND CIVIL LIABILITY; AND FOR OTHER  
12 PURPOSES.  
13

14 **Subtitle**

15 CONCERNING THE REGULATION OF AERONAUTICS;  
16 TO RESTRICT THE USE OF UNMANNED AIRCRAFT  
17 SYSTEMS UNDER CERTAIN CIRCUMSTANCES; AND  
18 TO PROVIDE FOR CRIMINAL PENALTIES AND  
19 CIVIL LIABILITY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 5, Chapter 60, Subchapter 1, is amended  
26 to add an additional section to read as follows:

27 5-60-103. Unlawful use of unmanned aircraft system.

28 (a) As used in this section:

29 (1)(A) "Unmanned aircraft system" means an unmanned, powered  
30 aircraft that:

31 (i) Does not carry a human operator;

32 (ii) Can be autonomous or remotely piloted or  
33 operated; and

34 (iii) Can be expendable or recoverable.

35 (B) "Unmanned aircraft system" does not include:

36 (i) A satellite orbiting the earth;



1                   (ii) An unmanned aircraft system used by the federal  
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)(1)(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 or

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

1 (ii) Located on immovable property owned by another  
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)(1)(A) of this section to conduct activities  
6 described in subdivision (c)(1)(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.

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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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33 **APPROVED: 04/02/2015**