A Bill

For An Act To Be Entitled
AN ACT CONCERNING THE OFFENSE OF UNLAWFUL USE OF AN UNMANNED AIRCRAFT SYSTEM; TO AMEND THE DEFINITION OF "UNMANNED AIRCRAFT SYSTEM"; AND FOR OTHER PURPOSES.

Subtitle
CONCERNING THE OFFENSE OF UNLAWFUL USE OF AN UNMANNED AIRCRAFT SYSTEM; AND TO AMEND THE DEFINITION OF "UNMANNED AIRCRAFT SYSTEM".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-60-103(a)(2), concerning the definition of "unmanned aircraft system" for the offense of unlawful use of an unmanned aircraft system, is amended to read as follows:

(2) (A) "Unmanned aircraft system" means an unmanned, powered aircraft that:

(i) Does not carry a human operator;

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

(iii) Can be expendable or recoverable.

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

(i) A satellite orbiting the earth;

(ii) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific critical infrastructure;

(iii) An unmanned aircraft system used by the state
after consultation with the Governor or a person who is acting under contract
with the state to conduct surveillance of specific critical infrastructure;

(iv)(a) An unmanned aircraft system used pursuant to
prior written authorization of the Arkansas Department of Emergency
Management.

(b) The department shall provide standards for
authorizations under subdivision (a)(2)(B)(iv)(a) of this section in rules
adopted in accordance with the Arkansas Administrative Procedure Act, § 25–
15-201 et seq., after consultation with the Governor;

(iv)(iv) An unmanned aircraft system used under a
certificate of authorization issued by the Federal Aviation Administration;
or

(vi)(v) An unmanned aircraft used by a law
enforcement agency, emergency medical service agency, hazardous materials
response team, disaster management agency, or other emergency management
agency for the purpose of incident command, area reconnaissance, personnel
and equipment deployment monitoring, training, or a related purpose.

APPROVED: 3/6/19