

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

A Bill

HOUSE BILL 1770

4
5 By: Representative Shepherd
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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.

Subtitle

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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 or

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

11 (b) The department shall provide standards for
12 authorizations under subdivision (a)(1)(B)(iv)(a) of this section in rules
13 adopted in accordance with the Administrative Procedure Act, § 25-15-201, et
14 seq., after consultation with the Governor; and

15 (2) “Critical infrastructure” means:

16 (A) An electrical power generation or delivery system;

17 (B) A petroleum refinery;

18 (C) A chemical or rubber manufacturing facility; or

19 (D) A petroleum or chemical storage facility.

20 (b) A person commits the offense of unlawful use of an unmanned
21 aircraft system if he or she knowingly uses an unmanned aircraft system to
22 conduct surveillance of, gather evidence or collect information about, or
23 photographically or electronically record critical infrastructure without the
24 prior written consent of the owner of the critical infrastructure.

25 (c) This section does not prohibit:

26 (1)(A) A person from using an unmanned aircraft system to
27 conduct surveillance of, gather evidence or collect information about, or
28 photographically or electronically record his or her own property that is:

29 (i) Located on his or her own immovable property; or

30 (ii) Located on immovable property owned by another
31 person under a valid lease, servitude, right-of-way, right of use, permit,
32 license, or other right.

33 (B) A third person retained by the owner of the property
34 described in subdivision (c)(1)(A) of this section to conduct activities
35 described in subdivision (c)(1)(A) of this section is not prohibited under
36 this section from using an unmanned aircraft system to conduct the activities

1 described in subdivision (c)(1) of this section; or

2 (2) An insurance company or a person acting on behalf of an
3 insurance company from using an unmanned aircraft system for purposes of
4 underwriting an insurance risk or investigating damage to insured property.

5 (d) Unlawful use of unmanned aircraft system is:

6 (1) A Class B misdemeanor; or

7 (2) A Class A misdemeanor for a second or subsequent offense.

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9 SECTION 2. Arkansas Code Title 16, Chapter 118, is amended to add an
10 additional section to read as follows:

11 16-118-111. Civil actions for against operators of an unmanned
12 aircraft system.

13 A person who violates § 5-60-103 is also liable to the owner of the
14 critical infrastructure that is the subject of the violation as follows:

15 (1) Any actual damages sustained as a result of the violation,
16 or ten thousand dollars (\$10,000), whichever is greater;

17 (2) Three (3) times actual damages, or ten thousand dollars
18 (\$10,000), whichever is greater, in a case in which the violation resulted in
19 profit or monetary gain; and

20 (3) The costs of an action brought under this section, together
21 with reasonable attorney's fees as determined by the court.

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