

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.
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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:
24

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

