

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/13/15
A Bill

HOUSE BILL 1770

By: Representative Shepherd

For An Act To Be Entitled

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

Subtitle

CONCERNING THE REGULATION OF AERONAUTICS; TO RESTRICT THE USE OF UNMANNED AIRCRAFT SYSTEMS UNDER CERTAIN CIRCUMSTANCES; AND TO PROVIDE FOR CRIMINAL PENALTIES AND CIVIL LIABILITY.

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

SECTION 1. Arkansas Code Title 5, Chapter 60, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) As used in this section:

(1)(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)(1)(B)(iv)(a) of this section in rules adopted in accordance with the Administrative Procedure Act, § 25-15-201, et seq., after consultation with the Governor;

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

(vi) 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; and

(2) "Critical infrastructure" means:

(A) An electrical power generation or delivery system;

(B) A petroleum refinery;

(C) A chemical or rubber manufacturing facility; or

(D) A petroleum or chemical storage facility.

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

(c) This section does not prohibit:

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

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

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

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

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

(d) Unlawful use of unmanned aircraft system is:

(1) A Class B misdemeanor; or

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

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

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

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

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

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

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

/s/Shepherd