

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 486

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO RESTRICTIONS ON THE USE OF UNMANNED AIRCRAFT SYSTEMS; AMENDING SECTION 21-213, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION OF SURVEILLANCE BY UNMANNED AIRCRAFT IN CERTAIN CIRCUMSTANCES, TO PROVIDE EXCEPTIONS FOR CERTAIN ACTIVITIES, AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 21-213, Idaho Code, be, and the same is hereby amended to read as follows:

21-213. RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS -- DEFINITION -- VIOLATION -- CAUSE OF ACTION AND DAMAGES.

(1) (a) For the purposes of this section, the term "unmanned aircraft system" (UAS) means an unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable.

(b) Unmanned aircraft system does not include:

(i) Model flying airplanes or rockets, including but not necessarily limited to those that are radio-controlled or otherwise remotely controlled and that are used purely for sport or recreational purposes; and

(ii) An unmanned aircraft system used in mapping or resource management.

(2) (a) ~~Absent a warrant, and except for emergency response for safety, search and rescue or controlled substance investigations, n~~ No person, entity or state agency shall use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted persons or specifically targeted private property, including but not limited to:

(i) An individual or a dwelling owned by an individual and such dwelling's curtilage, without such individual's written consent;

(ii) A farm, dairy, ranch or other agricultural industry, or commercial or industrial property, without the written consent of the property owner of such farm, dairy, ranch or other agricultural industry.

(b) No person, entity, or local, state, or federal agency shall use an unmanned aircraft system to photograph or otherwise record an individual, without such individual's written consent, for the purpose of publishing or otherwise publicly disseminating such photograph or recording.

1 (c) Nothing in this section shall be construed to prohibit any law en-
2 forcement agency, fire department, or other local or state government
3 entity from using an unmanned aircraft system:

4 (i) To assist with traffic accident documentation or reconstruc-
5 tion;

6 (ii) To assist with crowd or traffic management of an event by
7 providing an aerial perspective of the public streets and in-
8 tersections leading to and from a sports or entertainment arena,
9 fairgrounds, stadium, convention hall, special event center,
10 amusement facility, outdoor concert venue, plaza, or special
11 event area, provided that the law enforcement agency shall not
12 issue traffic infraction citations based solely on images or video
13 captured by an unmanned aircraft system;

14 (iii) To assess damage due to a natural disaster or fire;

15 (iv) For the training of persons in the operation and use of an un-
16 manned aircraft system, provided that any images or video captured
17 during a training shall not be used as evidence in any criminal
18 proceeding and shall comply with the provisions of this section;

19 (v) To assist in search and rescue operations, crime scene in-
20 vestigations, or temporary law enforcement use of an unmanned air-
21 craft system to respond to emergencies in which there is an immi-
22 nent threat to lives or property, or to respond to an emergency af-
23 fecting public safety; or

24 (vi) Following the issuance of a warrant, where a warrant is re-
25 quired under Idaho or federal law.

26 (3) Any person who is the subject of prohibited conduct under subsec-
27 tion (2) of this section shall:

28 (a) Have a civil cause of action against the person, entity, or local,
29 state, or federal agency for such prohibited conduct; and

30 (b) Be entitled to recover from any such person, entity, or local,
31 state, or federal agency damages in the amount of the greater of one
32 thousand dollars (\$1,000) or actual and general damages, plus reason-
33 able attorney's fees and other litigation costs reasonably incurred.

34 (4) An owner of facilities located on lands owned by another under a
35 valid easement, permit, license or other right of occupancy is not prohib-
36 ited in this section from using an unmanned aircraft system to aerially in-
37 spect such facilities.