

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 376

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS; AMENDING SEC-
2 TION 21-213, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION OF SURVEILLANCE
3 BY UNMANNED AIRCRAFT IN CERTAIN CIRCUMSTANCES, TO PROVIDE EXCEPTIONS
4 FOR CERTAIN ACTIVITIES BY A LAW ENFORCEMENT AGENCY OR UTILITY, AND TO
5 MAKE TECHNICAL CORRECTIONS.
6

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

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

10 21-213. RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS -- DEFINI-
11 TION -- VIOLATION -- CAUSE OF ACTION AND DAMAGES.

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

17 (b) Unmanned aircraft system does not include:

18 (i) Model flying airplanes or rockets, including, but not nec-
19 essarily limited to, those that are radio-controlled or otherwise
20 remotely controlled and that are used purely for sport or recre-
21 ational purposes; and

22 (ii) An unmanned aircraft system used in mapping or resource man-
23 agement.

24 (2) (a) ~~Absent a warrant, and except for emergency response for safety,~~
25 ~~search and rescue or controlled substance investigations, no person,~~
26 ~~entity or state agency~~ Except as provided in this section, no person,
27 entity, or local, state, or federal agency shall use an unmanned air-
28 craft system to intentionally conduct surveillance of, gather evidence
29 or collect information about, or photographically or electronically
30 record specifically targeted persons or specifically targeted private
31 property, including, but not limited to:

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

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

39 (b) No person, entity, or local, state, or federal agency shall use an
40 unmanned aircraft system to photograph or otherwise record an individ-
41 ual, without such individual's written consent, for the purpose of pub-

1 lishing or otherwise publicly disseminating such photograph or record-
2 ing.

3 (c) Nothing in this section shall be construed to prohibit any law en-
4 forcement agency or fire department from using an unmanned aircraft
5 system:

6 (i) To assist with traffic accident documentation and recon-
7 struction;

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

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

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

21 (v) To assist in search and rescue operations or to make temporary
22 law enforcement use of an unmanned aircraft system to respond to
23 any emergency in which there is an imminent threat to a person's
24 life or property, or to respond to an emergency affecting public
25 safety; or

26 (vi) Following the issuance of a warrant.

27 (3) Nothing in this section shall be construed to prohibit the owner of
28 a utility or its contractors from using an unmanned aircraft system to con-
29 duct inspections of the owner's utilities, public works, or infrastructure.

30 (4) Any person who is the subject of prohibited conduct under subsec-
31 tion (2) of this section shall:

32 (a) Have a civil cause of action against the person, entity or state
33 agency for such prohibited conduct; and

34 (b) Be entitled to recover from any such person, entity or state agency
35 damages in the amount of the greater of one thousand dollars (\$1,000) or
36 actual and general damages, plus reasonable attorney's fees and other
37 litigation costs reasonably incurred.

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