

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 539

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO UNMANNED AIRCRAFT SYSTEMS; AMENDING SECTION 21-213, IDAHO CODE,
TO REVISE PROVISIONS REGARDING THE USE OF UNMANNED AIRCRAFT SYSTEMS.

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 -- DEFINI-
TION -- 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 pi-
loted 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 neces-
sarily limited to, those that are radio controlled or otherwise
remotely controlled and that are used purely for sport or recre-
ational purposes; and

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

(2) ~~(a) Absent consent or a warrant, and except for emergency response
or for public safety, exigent circumstances, search and rescue or controlled
substance investigations, no person, entity or state agency shall use an un-
manned aircraft system to intentionally conduct surveillance of, gather ev-
idence or collect information about, or photographically or electronically
record, for any reason, specifically targeted persons or specifically tar-
geted 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 without the
written consent of the owner of such farm, dairy, ranch or other agri-
cultural industry.~~

~~(b) No person, entity or state 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 other-
wise publicly disseminating such photograph or recording.~~

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

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

(b) Be entitled to recover from any such person, entity or state agency
damages in the amount of the greater of one thousand dollars (\$1,000) or

1 actual and general damages, plus reasonable attorney's fees and other
2 litigation costs reasonably incurred.

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