

IN THE SENATE

SENATE BILL NO. 1134, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AERONAUTICS; TO DEFINE A TERM, TO ESTABLISH PROVISIONS RELATING  
2 TO RESTRICTIONS ON THE USE OF UNMANNED AIRCRAFT SYSTEMS, TO PROVIDE EX-  
3 CEPTIONS, TO PROVIDE FOR A CIVIL CAUSE OF ACTION, TO PROVIDE FOR CERTAIN  
4 DAMAGES AND TO PROVIDE THAT AN OWNER OF CERTAIN FACILITIES SHALL NOT BE  
5 PROHIBITED FROM USING AN UNMANNED AIRCRAFT SYSTEM TO INSPECT SUCH FA-  
6 CILITIES.  
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 2, Title 21, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 21-213, Idaho Code, and to read as follows:

12 21-213. RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS -- DEFINI-  
13 TION -- VIOLATION -- CAUSE OF ACTION AND DAMAGES.

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

19 (b) Unmanned aircraft system does not include:

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

24 (ii) An unmanned aircraft system used in the taking of commercial  
25 photography.

26 (2) (a) Absent reasonable, articulable suspicion of criminal conduct,  
27 no person, entity or state agency shall use an unmanned aircraft system  
28 to conduct unwarranted surveillance or observation of:

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

31 (ii) A farm, dairy, ranch or other agricultural industry with-  
32 out the written consent of the owner of such farm, dairy, ranch or  
33 other agricultural industry. Provided however, that the restric-  
34 tions on the use of unmanned aircraft systems provided for in this  
35 subsection shall not apply to county sheriffs or other state or lo-  
36 cal agencies engaged in search and rescue efforts and shall not ap-  
37 ply to state and local law enforcement agencies engaged in lawful  
38 activity.

39 (b) Absent reasonable, articulable suspicion of criminal conduct, no  
40 person, entity or state agency shall use an unmanned aircraft system to  
41 photograph an individual, without such individual's written consent,

1 for the purpose of publishing or otherwise publicly disseminating such  
2 photograph.

3 (c) The provisions of this subsection shall not restrict the use of an  
4 unmanned aircraft system for the purpose of taking photographs of gath-  
5 erings of the public on public or private land.

6 (3) Any person who is the subject of unwarranted surveillance or obser-  
7 vation or whose photograph is taken in violation of the provisions of subsec-  
8 tion (2) (a) or (b) of this section shall:

9 (a) Have a civil cause of action against the person, entity or state  
10 agency that conducts such surveillance or observation or that uses a UAS  
11 to photograph for the purposes of publishing or otherwise publicly dis-  
12 seminating such photograph; and

13 (b) Be entitled to recover from any such person, entity or state agency  
14 liquidated damages in the amount of one thousand dollars (\$1,000) and  
15 reasonable attorney's fees and other litigation costs reasonably in-  
16 curred.

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