

1 AN ACT relating to protection of critical infrastructure.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Critical infrastructure" means:*

7 *1. Any part of a system used in the production, generation,*
8 *transportation, transmission, or distribution of electrical energy;*

9 *2. A petroleum refinery;*

10 *3. A chemical or rubber manufacturing facility;*

11 *4. A petroleum or chemical storage facility;*

12 *5. Pipelines and related facilities identified in the National Pipeline*
13 *Mapping System;*

14 *6. Railroad yards and railroad tunnel ports; or*

15 *7. A drinking water collection, treatment, storage, or distribution facility;*

16 *(b) "Unmanned aircraft" means an aircraft that is operated without the*
17 *possibility of direct human interaction from within or on the aircraft; and*

18 *(c) "Unmanned aircraft system" means an unmanned aircraft, communication*
19 *links, and components that control the unmanned aircraft.*

20 *(2) A person commits the offense of unlawful use of an unmanned aircraft system if*
21 *he or she knowingly uses an unmanned aircraft system to conduct surveillance*
22 *of, collect information about, or photographically or electronically record critical*
23 *infrastructure without the prior written consent of the owner of the critical*
24 *infrastructure.*

25 *(3) Unlawful use of an unmanned aircraft system is a Class B misdemeanor for the*
26 *first offense, and a Class A misdemeanor for a second or subsequent offense.*

27 *(4) Any unmanned aircraft system used in violation of this section shall be subject to*

1 seizure by applicable law enforcement officials.

2 (5) Subsections (2), (3), and (4) of this section shall not apply to:

3 (a) An unmanned aircraft system used by an owner or lessee of the critical
4 infrastructure, or a third party specifically authorized by the owner or lessee
5 of the critical infrastructure;

6 (b) An unmanned aircraft system used by the federal government or by the
7 Commonwealth, or by a person acting pursuant to a contract with the
8 federal government or the Commonwealth;

9 (c) An unmanned aircraft system used to examine or record real property if the
10 unmanned aircraft system is used by:

11 1. The owner of the real property;

12 2. A person under a valid lease, servitude, right-of-way, right of use,
13 permit, license, or other right granted by the owner of the real
14 property; or

15 3. A third party who is retained or authorized in writing by a person
16 specified in subparagraph 1. or 2. of this paragraph;

17 (d) An unmanned aircraft system used pursuant to prior written authorization
18 of the Kentucky Division of Emergency Management;

19 (e) An unmanned aircraft system used by a law enforcement agency,
20 emergency medical service agency, hazardous material response team,
21 disaster management agency, or other emergency management agency for
22 the purpose of incident command, area reconnaissance, personnel and
23 equipment deployment monitoring, training, or a related purpose;

24 (f) Operation of an unmanned aircraft system by a person or entity that the Federal
25 Aviation Administration has authorized to operate an unmanned aircraft system
26 for a commercial purpose if the unmanned aircraft system is operated in a
27 manner that complies with that authorization;

- 1 (g) A satellite orbiting the earth;
2 (h) An unmanned aircraft system used by an insurance company or a person acting
3 on behalf of an insurance company for purposes of underwriting an insurance
4 risk or investigating damage to insured property; or
5 (i) An unmanned aircraft system used strictly in accordance with an order of a court
6 of competent jurisdiction.