

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1619
101ST GENERAL ASSEMBLY

3474H.07C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 542, RSMo, by adding thereto one new section relating to aerial observations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 542, RSMo, is amended by adding thereto one new section, to be known as section 542.530, to read as follows:

542.530. 1. As used in this section, the following terms mean:

(1) "Drone", any powered aerial vehicle that:

(a) Does not carry a human operator;

(b) Uses aerodynamic forces to provide vehicle lift;

(c) Can fly autonomously or be piloted remotely;

(d) Can be expendable or recoverable; and

(e) Can carry a lethal or nonlethal payload;

(2) "Model aircraft", an unmanned aircraft that is:

(a) Capable of sustained flight in the atmosphere;

(b) Flown within visual line of sight of the person remotely operating the aircraft; and

(c) Flown for hobby or recreational purposes;

(3) "Unmanned aircraft", an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

2. No employee of a state agency or a political subdivision of the state shall use a drone or unmanned aircraft over private property to photograph, film, create an image, or livestream the property without the consent of the property owner or probable cause.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **3. No person shall use a drone or unmanned aircraft over private property to**
19 **photograph, film, create an image, or livestream the property without the consent of the**
20 **property owner.**

21 **4. No person shall use a drone or unmanned aircraft to photograph, film,**
22 **videotape, or otherwise create an individually identifiable image of another person**
23 **without the person's consent unless the person using the drone or unmanned aircraft is**
24 **providing assistance to a law enforcement agency in cases involving state, national, or**
25 **local emergency; state, national, or local security; or missing persons.**

26 **5. This section does not prohibit the use of a model aircraft.**

27 **6. The provisions of this section shall not prohibit the operation of unmanned**
28 **aircraft by a public utility, municipal utility or municipally-owned utility, joint**
29 **municipal utility commission, or rural electric cooperative if the unmanned aircraft is**
30 **used for:**

31 **(1) The purpose of inspecting, repairing, or maintaining utility transmission or**
32 **distribution lines or other utility equipment or infrastructure; or**

33 **(2) Any work performed to any pipeline.**

34 **7. The provisions of this section shall not apply to federally certified pilots of**
35 **unmanned aircrafts or drones in the normal course of business.**

36 **8. The provisions of this section shall not apply to law enforcement or public**
37 **safety officials piloting or operating unmanned aerial vehicles, unmanned aircraft, or**
38 **drones in the course of a response for public safety.**

39 **9. The provisions of this section shall not apply:**

40 **(1) In cases involving state, national, or local emergency; state, national, or local**
41 **security; or missing persons;**

42 **(2) To any person performing in the course of the person's duties on behalf of a**
43 **fire department or fire protection district;**

44 **(3) To any person providing assistance to a law enforcement agency in cases**
45 **involving state, national, or local emergency; state, national, or local security; or missing**
46 **persons;**

47 **(4) To any person performing in the course of the person's duties on behalf of a**
48 **railroad regulated by the Federal Railroad Administration;**

49 **(5) To realtors, land surveyors, and appraisers in the normal course of business;**
50 **or**

51 **(6) To insurance companies in the normal course of business.**

52 **10. Any property adjacent to but not the subject of the photograph, film, image,**
53 **or livestream the drone or unmanned aircraft is capturing shall not be subject to the**
54 **provisions of this section.**

55 **11. (1) Any aggrieved party may obtain, in a civil action, all appropriate relief to**
56 **prevent or remedy a violation of this section.**

57 **(2) No information obtained or collected in violation of this section shall be**
58 **admissible as evidence in a criminal proceeding in any court of law in the state or in an**
59 **administrative hearing.**

60 **(3) Sovereign immunity for the state of Missouri is waived for any civil action**
61 **resulting from a violation of this section.**

62 **12. Any person violating the provisions of subsection 3 or 4 of this section shall**
63 **be guilty of a class A misdemeanor unless:**

64 **(1) The person who creates an image in violation of subsection 3 or 4 of this**
65 **section distributes the image to another or transmits the image in a manner that allows**
66 **access to that image via computer; or**

67 **(2) The person disseminates or permits the dissemination by any means, to**
68 **another person, of a videotape, photograph, or film obtained in violation of subsection 3**
69 **or 4 of this section,**

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71 **in which case the person shall be guilty of a class E felony.**

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