

PRIVATE USE OF DRONES

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill regulates the use of unmanned aircraft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recodifies provisions related to unmanned aircraft;
- ▶ establishes requirements and procedures relating to unmanned aircraft liability coverage;
- ▶ establishes limitations, and safety and use requirements, for the private operation of an unmanned aircraft;
- ▶ requires a private operator of an unmanned aircraft to be at least 17 years of age;
- ▶ prohibits an individual from interfering with the operation of an unmanned aircraft;
- ▶ establishes provisions governing an educational institution's use of an unmanned aircraft;
- ▶ establishes provisions governing the commercial use of an unmanned aircraft;
- ▶ grants rulemaking authority to the Board of Parks and Recreation with regards to unmanned aircraft; and
- ▶ establishes criminal penalties.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63G-18-101**, as last amended by Laws of Utah 2015, Chapter 269

33 **63G-18-102**, as last amended by Laws of Utah 2015, Chapter 269

34 **79-4-304**, as enacted by Laws of Utah 2009, Chapter 344

35 ENACTS:

36 **31A-22-2001**, Utah Code Annotated 1953

37 **31A-22-2002**, Utah Code Annotated 1953

38 **31A-22-2003**, Utah Code Annotated 1953

39 **31A-22-2004**, Utah Code Annotated 1953

40 **63G-18-106**, Utah Code Annotated 1953

41 **63G-18-107**, Utah Code Annotated 1953

42 **63G-18-108**, Utah Code Annotated 1953

43 **63G-18-201**, Utah Code Annotated 1953

44 **63G-18-202**, Utah Code Annotated 1953

45 **63G-18-301**, Utah Code Annotated 1953

46 **63G-18-302**, Utah Code Annotated 1953

47 **63G-18-303**, Utah Code Annotated 1953

48 **63G-18-304**, Utah Code Annotated 1953

49 **63G-18-305**, Utah Code Annotated 1953

50 **63G-18-306**, Utah Code Annotated 1953

51 **63G-18-307**, Utah Code Annotated 1953

52 **63G-18-308**, Utah Code Annotated 1953

53 **63G-18-309**, Utah Code Annotated 1953

54 **63G-18-310**, Utah Code Annotated 1953

55 **63G-18-311**, Utah Code Annotated 1953

56 **63G-18-312**, Utah Code Annotated 1953

57 **63G-18-313**, Utah Code Annotated 1953

58 **63G-18-314**, Utah Code Annotated 1953

- 59 **63G-18-315**, Utah Code Annotated 1953
- 60 **63G-18-316**, Utah Code Annotated 1953
- 61 **63G-18-317**, Utah Code Annotated 1953
- 62 **63G-18-318**, Utah Code Annotated 1953
- 63 **63G-18-319**, Utah Code Annotated 1953
- 64 **63G-18-320**, Utah Code Annotated 1953
- 65 **63G-18-321**, Utah Code Annotated 1953
- 66 **63G-18-401**, Utah Code Annotated 1953
- 67 **63G-18-402**, Utah Code Annotated 1953
- 68 **63G-18-403**, Utah Code Annotated 1953
- 69 **63G-18-501**, Utah Code Annotated 1953
- 70 **63G-18-502**, Utah Code Annotated 1953
- 71 **63G-18-503**, Utah Code Annotated 1953
- 72 **63G-18-504**, Utah Code Annotated 1953

73 RENUMBERS AND AMENDS:

- 74 **63G-18-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015,
- 75 Chapter 269)
- 76 **63G-18-204**, (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015,
- 77 Chapter 269)
- 78 **63G-18-205**, (Renumbered from 63G-18-105, as last amended by Laws of Utah 2015,
- 79 Chapter 269)



81 *Be it enacted by the Legislature of the state of Utah:*

82 Section 1. Section **31A-22-2001** is enacted to read:

83 **31A-22-2001. Definitions.**

84 As used in this part:

- 85 (1) "Covered operator" means an operator who is covered by the provisions of an
- 86 insurance policy issued in accordance with this part.
- 87 (2) "Operator" means an individual who controls an unmanned aircraft system.
- 88 (3) "Owner" means the person that owns the unmanned aircraft.
- 89 (4) "Unmanned aircraft" means the same as that term is defined in Section

90 [63G-18-102.](#)

91 (5) "Unmanned aircraft system" means the same as that term is defined in Section

92 [63G-18-102.](#)

93 Section 2. Section **31A-22-2002** is enacted to read:

94 **31A-22-2002. Required components of unmanned aircraft liability insurance**
95 **policies.**

96 A policy of unmanned aircraft liability insurance obtained to satisfy the requirements of

97 Section [63G-18-504](#) shall comply with the requirements of Sections [31A-22-2003](#) and

98 [31A-22-2004.](#)

99 Section 3. Section **31A-22-2003** is enacted to read:

100 **31A-22-2003. Unmanned aircraft liability coverage.**

101 (1) In addition to complying with the requirements of Chapter 21, Insurance Contracts
102 in General, and Chapter 22, Part 2, Liability Insurance in General, a policy of unmanned
103 aircraft liability coverage described in Section [31A-22-2002](#) shall:

104 (a) state the following:

105 (i) the owner in whose name the policy is purchased;

106 (ii) the owner's address;

107 (iii) the coverage afforded to the owner;

108 (iv) the premium charged to the owner;

109 (v) the period of time the policy is valid; and

110 (vi) the policy's limits of liability;

111 (b) specifically designate each unmanned aircraft system for which the policy grants
112 coverage;

113 (c) insure the persons named in the policy;

114 (d) insure any other operator of an unmanned aircraft system described in Subsection

115 (1)(b) who operates the unmanned aircraft system with the express or implied permission of the
116 owner; and

117 (e) in addition to the coverage described in Section [31A-22-2002](#):

118 (i) cover damages or injury resulting from a covered operator who, while operating an
119 unmanned aircraft system, is stricken by paralysis, seizure, or other unconscious condition that
120 the covered operator did not know, or have reason to know, was likely to occur; and

- 121 (ii) cover a person who operates an unmanned aircraft system in violation of a
122 Certificate of Waiver, Certificate of Authorization, or other exemption obtained from the
123 Federal Aviation Administration by the owner of the unmanned aircraft system.
- 124 (2) A covered operator's liability is limited to the insurance policy's coverage.
125 (3) A policy containing unmanned aircraft liability coverage described in Section
126 31A-22-2002 may:
- 127 (a) prorate the insurance with other valid insurance; or
128 (b) grant lawful coverage in addition to unmanned aircraft liability coverage.
- 129 (4) Unmanned aircraft liability coverage is not required to insure a liability:
130 (a) covered under a workers' compensation law under Title 34A, Utah Labor Code;
131 (b) resulting from bodily injury to, or death of, a named insured's employee if:
132 (i) the bodily injury or death is caused by an unmanned aircraft system that is owned by
133 the named insured; and
134 (ii) the named insured's employee acts as an employee of the named insured at the time
135 the bodily injury or death occurs; or
136 (c) resulting from damage to property owned by, rented to, bailed to, or transported by
137 the insured.
- 138 (5) (a) An insurance provider that provides an unmanned aircraft liability coverage
139 policy may, in good faith, settle any claim covered by the policy.
140 (b) The amount of a settlement made under Subsection (5)(a) is deductible from the
141 limits of liability described in Section 31A-22-2004.
- 142 (6) An insurer who grants an insurance policy containing unmanned aircraft liability
143 coverage shall defend, in good faith, a person insured under the policy against a claim or suit
144 brought by another person seeking damages that are payable under the policy if the other
145 person prevails.
- 146 (7) (a) An insurer upon which a third party brings a claim may not use the defense of
147 lack of cooperation on the part of the insured unless:
148 (i) the insurance policy of the insured provides the insurer with the defense of lack of
149 cooperation; and
150 (ii) the third party colludes with the insured to bring the claim.
151 (b) If the defense of lack of cooperation is not effective against the claimant under

152 Subsection (7)(a), after payment by the owner of the premium that is due, the insurer is:

153 (i) subrogated to the injured person's claim against the insured to the extent of the
154 payment; and

155 (ii) entitled to reimbursement by the insured after the claimant has been made whole
156 with respect to the claim against the insured.

157 (8) A policy of unmanned aircraft liability coverage may limit coverage to the policy
158 minimum limits described in Section [31A-22-2004](#) if:

159 (a) alcohol or an illegal drug or substance is present in the blood of a covered operator
160 while the covered operator operates an unmanned aircraft system designated under Subsection
161 (1)(b);

162 (b) the policy, or a specifically reduced premium, contains an express written
163 declaration that an unmanned aircraft system designated under Subsection (1)(b) will not be
164 operated by an individual while alcohol or an illegal drug or substance is present in the blood
165 of the individual; and

166 (c) the insured agreed to the declaration described in Subsection (8)(b).

167 (9) (a) A claimant who brings a claim exclusively against a named insured may elect to
168 resolve the claim:

169 (i) by submitting the claim to binding arbitration; or

170 (ii) through litigation.

171 (b) If the claimant elects to commence litigation under Subsection (9)(a)(ii), the
172 claimant may not elect under this section to resolve the claim through binding arbitration
173 without the written consent of the claimant, the insured, and the insured's insurer.

174 (c) (i) A claim that is submitted to binding arbitration under Subsection (9)(a)(i) shall
175 be resolved by a panel of arbitrators selected in accordance with Subsection (9)(c)(ii).

176 (ii) Unless otherwise agreed upon in writing by the claimant, the insured, and the
177 insured's insurer, a panel of arbitrators shall be composed of the following three members:

178 (A) one member selected by the claimant;

179 (B) one member selected by the insured; and

180 (C) one member jointly selected by the members described in Subsections (9)(c)(ii)(A)
181 and (B).

182 (d) (i) The claimant is responsible for all costs associated with the selection and

183 retention of the member described in Subsection (9)(c)(ii)(A).

184 (ii) The insured is responsible for all costs associated with the selection and retention
185 of the member described in Subsection (9)(c)(ii)(B).

186 (iii) Unless otherwise agreed upon in writing by the claimant and the insured, the
187 claimant and the insured are equally responsible for all costs associated with the selection and
188 retention of the member described in Subsection (9)(c)(ii)(C).

189 (e) Except as otherwise provided in this section, or unless otherwise agreed upon in
190 writing by the claimant, the insured, and the insured's insurer, an arbitration procedure
191 conducted under this section is governed by Title 78B, Chapter 11, Utah Uniform Arbitration
192 Act.

193 (f) (i) Discovery in an arbitration conducted under this section shall be conducted in
194 accordance with Utah Rules of Civil Procedure, Rules 26b through 36.

195 (ii) A dispute that arises during a pre-trial discovery shall be resolved by the arbitration
196 panel.

197 (g) A written decision of two of the three arbitrators constitutes a final decision of the
198 arbitration panel.

199 (h) Before an arbitration panel determines the amount of an arbitration award:

200 (i) the existence of a liability insurance policy may be disclosed to the arbitration
201 panel; and

202 (ii) the total amount of all applicable liability insurance policy limits may not be
203 disclosed to the arbitration panel.

204 (i) The amount of an arbitration award is equal to the lesser of:

205 (i) the amount the arbitration panel renders as an award; or

206 (ii) the liability limits of all the insured's applicable liability insurance policies,
207 including applicable liability umbrella policies.

208 (j) The arbitration award is the final resolution of all claims between the parties unless
209 the award is procured by corruption, fraud, or other undue means.

210 (k) If the arbitration panel finds that the claim was not brought, pursued, or defended in
211 good faith, the arbitration panel may award reasonable fees and costs against the party that
212 failed to bring, pursue, or defend the claim in good faith.

213 (10) Nothing in this section limits a claim under another portion of an applicable

214 insurance policy.

215 Section 4. Section **31A-22-2004** is enacted to read:

216 **31A-22-2004. Unmanned aircraft insurance liability limits.**

217 A policy containing unmanned aircraft liability coverage may not limit the insurer's
218 liability under the coverage below the following:

219 (1) (a) \$25,000 for a liability that is the proximate cause of bodily injury to or death of
220 one individual, arising out of the use of an unmanned aircraft system in any one accident;

221 (b) subject to the limit for one individual in Subsection (1)(a), \$65,000 for a liability
222 that is the proximate cause of bodily injury to or death of two or more individuals arising out of
223 the use of an unmanned aircraft system in any one accident; and

224 (c) \$15,000 for a liability that is the proximate cause of injury to or destruction of
225 property of others arising out of the use of an unmanned aircraft system in any one accident; or

226 (2) \$80,000 for a liability that is the proximate cause of bodily injury to or the death of
227 others, or from destruction of or damage to property of others arising out of the use of an
228 unmanned aircraft system in any one accident.

229 Section 5. Section **63G-18-101** is amended to read:

230 **CHAPTER 18. UNMANNED AIRCRAFT -- DRONES**

231 **63G-18-101. Title.**

232 This chapter is known as [~~the "Government Use of Unmanned Aircraft Systems Act."~~]
233 "Unmanned Aircraft -- Drones."

234 Section 6. Section **63G-18-102** is amended to read:

235 **63G-18-102. Definitions.**

236 As used in this chapter:

237 (1) "Airport" means an area of land, water, or both, that:

238 (a) is used or made available for aircraft landing or takeoff;

239 (b) meets the minimum requirements established by the Operations Division of the
240 Department of Transportation for size and design, surface, marking, equipment, and operation;
241 and

242 (c) includes all areas shown as part of the airport in the current airport layout plan
243 approved by the Federal Aviation Administration.

244 (2) (a) "Airport authority" means the entity that is authorized by statute to operate an

245 airport.

246 (b) "Airport authority" includes the department or division of a political subdivision
247 responsible for operating a specific airport.

248 (c) "Airport authority" does not include the governing body of a county or
249 municipality.

250 (3) "Commercial operator" means an individual who operates an unmanned aircraft
251 system for compensation, hire, or profit.

252 ~~[(H)]~~ (4) "Law enforcement agency" means an entity of the state or an entity of a
253 political subdivision of the state, including an entity of a state institution of higher education,
254 that exists primarily to prevent, detect, or prosecute crime and enforce criminal statutes or
255 ordinances.

256 ~~[(2) "Nongovernment actor" means a person that is not:]~~

257 ~~[(a) an agency, department, division, or other entity within state government;]~~

258 ~~[(b) a person employed by or otherwise acting in an official capacity on behalf of the~~
259 ~~state;]~~

260 ~~[(c) a political subdivision of the state; or]~~

261 ~~[(d) a person employed by or otherwise acting in an official capacity on behalf of a~~
262 ~~political subdivision of the state.]~~

263 ~~[(3) "Target" means a person upon whom, or a structure or area upon which, a person:]~~

264 ~~[(a) has intentionally collected or attempted to collect information through the~~
265 ~~operation of an unmanned aircraft system; or]~~

266 ~~[(b) plans to collect or attempt to collect information through the operation of an~~
267 ~~unmanned aircraft system.]~~

268 ~~[(4) "Testing site" means an area that:]~~

269 ~~[(a) has boundaries that are clearly identified using GPS coordinates;]~~

270 ~~[(b) a law enforcement agency identifies in writing to the Department of Public Safety,~~
271 ~~including the boundaries identified under Subsection (4)(a);]~~

272 ~~[(c) is not more than three square miles; and]~~

273 ~~[(d) contains no occupied structures.]~~

274 (5) "Law enforcement officer" means a sworn and certified peace officer:

275 (a) who is an employee of a law enforcement agency that is part of, or administered by,

276 the state or a political subdivision of the state; and

277 (b) whose primary duties consist of the prevention and detection of crime and the
 278 enforcement of criminal statutes or ordinances of the state or a political subdivision of the state.

279 (6) "Operator" means an individual who controls an unmanned aircraft system.

280 ~~[(5)-(a)]~~ (7) "Unmanned aircraft [system]" means an aircraft that is:

281 ~~[(i) is]~~ (a) capable of sustaining flight; and

282 ~~[(ii) operates]~~ (b) operated with no possible direct human intervention from on or
 283 within the aircraft.

284 ~~[(b)]~~ (8) "Unmanned aircraft system" [does not include an unmanned aircraft that is
 285 flown: (i) within visual line of sight of the individual operating the aircraft; and (ii) strictly for
 286 hobby or recreational purposes.] means the entire system used to operate an unmanned aircraft,
 287 including:

288 (a) the unmanned aircraft, including any payload;

289 (b) communications equipment;

290 (c) navigation equipment;

291 (d) controllers;

292 (e) support equipment; and

293 (f) autopilot functionality.

294 Section 7. Section **63G-18-106** is enacted to read:

295 **63G-18-106. Preemption of local ordinance.**

296 (1) A political subdivision of the state, or an entity of a political subdivision of the
 297 state, may not enact a law, ordinance, or rule governing the private use of an unmanned
 298 aircraft, unless the entity is an airport authority.

299 (2) This chapter supercedes a law, ordinance, or rule enacted by a political subdivision
 300 of the state that is not an airport authority.

301 Section 8. Section **63G-18-107** is enacted to read:

302 **63G-18-107. Unmanned aircraft to yield right of way -- Penalties.**

303 (1) An operator of an unmanned aircraft shall yield right of way to:

304 (a) a manned aircraft;

305 (b) a parachutist; or

306 (c) a vehicle or individual on the ground.

307 (2) An operator who violates Subsection (1) is guilty of an infraction.

308 Section 9. Section **63G-18-108** is enacted to read:

309 **63G-18-108. Impaired operation of unmanned aircraft -- Penalties.**

310 (1) An operator may not operate an unmanned aircraft system while the operator:

311 (a) has a blood or breath alcohol concentration at or above .08 grams;

312 (b) is under the influence of any drug to a degree that renders the operator incapable of
313 safely operating the unmanned aircraft system; or

314 (c) knows or has reason to know of a physical or mental condition that could interfere
315 with the operator's safe operation of the unmanned aircraft system.

316 (2) If, after receiving a written warning from a law enforcement officer for a violation
317 of Subsection (1), a private operator subsequently violates Subsection (1), the private operator
318 is guilty of:

319 (a) an infraction for the first violation after receiving the warning; or

320 (b) a class B misdemeanor for a second or subsequent violation after receiving the
321 warning.

322 Section 10. Section **63G-18-201** is enacted to read:

323 **Part 2. Government Use of Unmanned Aircraft**

324 **63G-18-201. Title.**

325 This part is known as "Government Use of Unmanned Aircraft."

326 Section 11. Section **63G-18-202** is enacted to read:

327 **63G-18-202. Definitions.**

328 As used in this part:

329 (1) "Nongovernment actor" means a person that is not:

330 (a) an agency, department, division, or other entity within state government;

331 (b) a person employed by or otherwise acting in an official capacity on behalf of the
332 state;

333 (c) a political subdivision of the state;

334 (d) a person employed by or otherwise acting in an official capacity on behalf of a
335 political subdivision of the state;

336 (e) the federal government; or

337 (f) a person employed by or otherwise acting in an official capacity on behalf of the

338 federal government.

339 (2) "Target" means a person upon whom, or a structure or area upon which, a person:

340 (a) has intentionally collected or attempted to collect information through the operation
341 of an unmanned aircraft system; or

342 (b) plans to collect or attempt to collect information through the operation of an
343 unmanned aircraft system.

344 (3) "Testing site" means an area that:

345 (a) has boundaries that are clearly identified using GPS coordinates;

346 (b) a law enforcement agency identifies in writing to the Department of Public Safety,
347 including the boundaries identified under Subsection (3)(a);

348 (c) is not more than three square miles; and

349 (d) contains no occupied structures.

350 Section 12. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is
351 renumbered and amended to read:

352 ~~**[63G-18-103].**~~ **63G-18-203. Unmanned aircraft system use requirements --**
353 **Exceptions -- Testing.**

354 (1) A law enforcement agency may not obtain, receive, or use data acquired through an
355 unmanned aircraft system unless the data is obtained:

356 (a) pursuant to a search warrant;

357 (b) in accordance with judicially recognized exceptions to warrant requirements;

358 (c) (i) in a public location in which a person has no reasonable expectation of privacy;

359 and

360 (ii) the unmanned aircraft controlled by the unmanned aircraft system, at the time the
361 data is obtained by the unmanned aircraft system, is clearly audible and visible without aid:

362 (A) by all persons who are targets; and

363 (B) from all portions of the area on which data is collected;

364 [(e)] (d) subject to Subsection (2), from a person who is a nongovernment actor;

365 [(d)] (e) at a testing site; or

366 [(e)] (f) to locate a lost or missing person in an area in which a person has no
367 reasonable expectation of privacy.

368 (2) A nongovernment actor may only disclose data acquired through an unmanned

369 aircraft system to a law enforcement agency if:

370 (a) the data appears to pertain to the commission of a crime; or

371 (b) the nongovernment actor believes, in good faith, that:

372 (i) the data pertains to an imminent or ongoing emergency involving danger of death or
373 serious bodily injury to an individual; and

374 (ii) disclosing the data would assist in remedying the emergency.

375 (3) A law enforcement agency that obtains, receives, or uses data acquired under

376 Subsection (1)(d) or (e) shall destroy the data as soon as reasonably possible after the law

377 enforcement agency obtains, receives, or uses the data.

378 (4) A law enforcement agency that operates an unmanned aircraft system under

379 Subsection (1)(d) may not operate the unmanned aircraft system outside of the testing site.

380 Section 13. Section **63G-18-204**, which is renumbered from Section 63G-18-104 is

381 renumbered and amended to read:

382 ~~[63G-18-104]~~. **63G-18-204. Data retention.**

383 (1) Except as provided in this section, a law enforcement agency:

384 (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a
385 person, structure, or area that is not a target; and

386 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as
387 reasonably possible after the law enforcement agency collects or receives the data.

388 (2) A law enforcement agency is not required to comply with Subsection (1) if:

389 (a) deleting the data would also require the deletion of data that:

390 (i) relates to the target of the operation; and

391 (ii) is requisite for the success of the operation;

392 (b) the law enforcement agency receives the data:

393 (i) through a court order that:

394 (A) requires a person to release the data to the law enforcement agency; or

395 (B) prohibits the destruction of the data; or

396 (ii) from a person who is a nongovernment actor;

397 (c) (i) the data was collected inadvertently; and

398 (ii) the data appears to pertain to the commission of a crime;

399 (d) (i) the law enforcement agency reasonably determines that the data pertains to an

400 emergency situation; and

401 (ii) using or disclosing the data would assist in remedying the emergency; or

402 (e) the data was collected through the operation of an unmanned aircraft system over
403 public lands outside of municipal boundaries.

404 Section 14. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is
405 renumbered and amended to read:

406 ~~[63G-18-105]~~. **63G-18-205. Reporting.**

407 (1) Except as provided by Subsections (2) and (3), before March 31 of each year, a law
408 enforcement agency that operated an unmanned aircraft system in the previous calendar year
409 shall submit to the Utah Department of Public Safety, and make public on the law enforcement
410 agency's website, a written report containing:

411 (a) the number of times the law enforcement agency operated an unmanned aircraft
412 system in the previous calendar year;

413 (b) the number of criminal investigations aided by the use of an unmanned aircraft
414 system operated by the law enforcement agency in the previous calendar year;

415 (c) a description of how the unmanned aircraft system was helpful to each investigation
416 described in Subsection (1)(b);

417 (d) the frequency with which data was collected, and the type of data collected, by an
418 unmanned aircraft system operated by the law enforcement agency on any person, structure, or
419 area other than a target in the previous calendar year;

420 (e) the number of times a law enforcement agency received, from a person who is not a
421 law enforcement agency, data collected by an unmanned aircraft system; and

422 (f) the total cost of the unmanned aircraft system program operated by the law
423 enforcement agency in the previous calendar year, including the source of any funds used to
424 operate the program.

425 (2) (a) A law enforcement agency that submits a report described in Subsection (1) may
426 exclude from the report information pertaining to an ongoing investigation.

427 (b) A law enforcement agency that excludes information under Subsection (2)(a) from
428 the report shall report the excluded information to the Utah Department of Public Safety on the
429 annual report in the year following the year in which the investigation to which the information
430 pertains is concluded.

431 (3) A law enforcement agency is not required to submit, under Subsection (1), to the
432 Department of Public Safety information pertaining to the use of an unmanned aircraft system
433 operated at a testing site.

434 (4) Before May 31 of each year, the Utah Department of Public Safety shall, for all
435 reports received under Subsection (1) during the previous calendar year:

436 (a) transmit to the Government Operations Interim Committee and post on the
437 department's website a report containing:

438 (i) a summary of the information reported to the department;

439 (ii) the total number of issued warrants authorizing the operation of an unmanned
440 aircraft system; and

441 (iii) the number of denied warrants for the operation of an unmanned aircraft system;
442 and

443 (b) post on the department's website each report the department received.

444 Section 15. Section **63G-18-301** is enacted to read:

445 **Part 3. Private Use of Unmanned Aircraft**

446 **63G-18-301. Title.**

447 This part is known as "Private Use of Unmanned Aircraft."

448 Section 16. Section **63G-18-302** is enacted to read:

449 **63G-18-302. Definitions.**

450 As used in this part:

451 (1) "Emergency" means a circumstance that presents an imminent threat to life or
452 property, or to public health, safety, or welfare.

453 (2) "Line of sight" means direct, unobstructed visual contact with an unmanned aircraft
454 without the assistance of another person or instrumentation other than corrective lenses.

455 (3) (a) "Private operator" means an individual who is a nongovernment actor who
456 controls an unmanned aircraft system.

457 (b) "Private operator" includes:

458 (i) the individual who is required to maintain the ability to intervene under Subsection
459 63G-18-304(3) in the operation of an unmanned aircraft system that is running autonomously;

460 (ii) except as used in Section 63G-18-305, a supervising operator; and

461 (iii) a commercial operator.

462 (4) "Supervising operator" means a competent individual who:
463 (a) is at least 17 years of age;
464 (b) is capable of operating the unmanned aircraft system; and
465 (c) is in close enough proximity to a private operator to take control of the unmanned
466 aircraft system, if necessary.

467 (5) "Mode of transportation" means a device or animal in, on, or by which a person
468 may be transported.

469 Section 17. Section **63G-18-303** is enacted to read:

470 **63G-18-303. Applicability.**

471 This part does not:

472 (1) regulate a public entity's operation of an unmanned aircraft system, including the
473 federal government's operation of an unmanned aircraft system; or

474 (2) apply to an unmanned aircraft that weighs less than 0.55 pounds.

475 Section 18. Section **63G-18-304** is enacted to read:

476 **63G-18-304. Operator qualifications -- General safety requirements.**

477 (1) Before a private operator operates an unmanned aircraft system, the private
478 operator shall:

479 (a) examine the unmanned aircraft system to ensure that the unmanned aircraft system
480 operates properly;

481 (b) ensure that weather conditions will allow for the safe operation of the unmanned
482 aircraft;

483 (c) comply with all applicable federal laws and Federal Aviation Administration rules;

484 (d) ensure that the location for the takeoff, flight, and landing of the unmanned aircraft
485 is adequate for the safe operation of the unmanned aircraft; and

486 (e) establish proper measures to mitigate the harm that could result from a malfunction
487 of the unmanned aircraft system.

488 (2) While a private operator operates an unmanned aircraft system, the private
489 operator:

490 (a) shall immediately terminate the flight of the unmanned aircraft controlled by the
491 unmanned aircraft system if conditions change so that the requirements described in Subsection

492 (1) cannot be satisfied;

493 (b) shall, except as provided in Subsection (3), maintain complete, real-time control of
494 the unmanned aircraft;

495 (c) shall comply with all applicable federal laws and Federal Aviation Administration
496 rules; and

497 (d) may not use the unmanned aircraft system to commit:

498 (i) criminal trespass under Section [76-6-206](#);

499 (ii) a privacy violation under Section [76-9-402](#);

500 (iii) reckless endangerment under Section [76-5-112](#);

501 (iv) a stalking violation under Section [76-5-106.5](#); or

502 (v) cruelty to an animal under Section [76-9-301](#).

503 (3) A private operator who operates an unmanned aircraft autonomously is not required
504 to maintain complete, real-time control under Subsection (2)(b) of the unmanned aircraft if the
505 private operator:

506 (a) during the entire time the unmanned aircraft operates autonomously, maintains a
507 continuous ability to override the autonomous function of the unmanned aircraft to assume
508 complete control of the unmanned aircraft; and

509 (b) maintains continuous line of sight with the unmanned aircraft.

510 (4) (a) A private operator may not operate an unmanned aircraft system unless the
511 private operator has, in the private operator's immediate possession, a certificate of registration
512 issued by the Federal Aviation Administration for the unmanned aircraft system.

513 (b) A private operator shall, upon request from a representative of the Federal Aviation
514 Administration or a law enforcement officer, provide the representative or the officer with the
515 certificate of registration described in Subsection (4)(a).

516 (c) A private operator who violates Subsection (4)(b) is guilty of an infraction.

517 (5) (a) An unmanned aircraft system that is operated by a commercial operator is
518 required to be covered under an unmanned aircraft liability policy in accordance with Section
519 [63G-18-504](#).

520 (b) An unmanned aircraft system that is operated by a private operator is not required
521 to be covered under an unmanned aircraft liability policy, unless the private operator is a
522 commercial operator.

523 Section 19. Section **63G-18-305** is enacted to read:

524 **63G-18-305. Age requirements for operation -- Penalties.**

525 (1) As used in this section, "private operator" does not include a supervising operator.

526 (2) (a) Except as provided in Subsection (2)(b), a private operator is required to be at
527 least 17 years of age.

528 (b) A private operator who is less than 17 years of age and who is not a commercial
529 operator may operate an unmanned aircraft system if the private operator is under the direct
530 supervision of a supervising operator.

531 (3) (a) A supervising operator shall have, in the supervising operator's immediate
532 possession, identification, issued by a governmental entity, that contains the supervising
533 operator's photograph and age or date of birth.

534 (b) A supervising operator shall, upon request from a representative of the Federal
535 Aviation Administration or a law enforcement officer, provide the representative or the officer
536 with the identification described in Subsection (3)(a).

537 (4) (a) A private operator who operates an unmanned aircraft system and who does not
538 comply with the requirements of Subsection (2) is guilty of an infraction.

539 (b) A supervising operator who violates Subsection (3) is guilty of an infraction.

540 Section 20. Section **63G-18-306** is enacted to read:

541 **63G-18-306. Height restriction -- Penalties.**

542 (1) A private operator may not operate an unmanned aircraft system in a manner that
543 causes an unmanned aircraft to fly more than 400 feet above ground level.

544 (2) A private operator who violates Subsection (1) is guilty of a class B misdemeanor.

545 Section 21. Section **63G-18-307** is enacted to read:

546 **63G-18-307. Airspeed restriction -- Penalties.**

547 (1) Except as provided in Subsection (2), a private operator may not operate an
548 unmanned aircraft system in a manner that causes an unmanned aircraft to exceed an airspeed
549 of 100 miles per hour.

550 (2) A private operator may operate an unmanned aircraft system in a manner that
551 causes an unmanned aircraft to exceed an airspeed of 100 miles per hour if:

552 (a) (i) a national nonprofit organization recognized by the Federal Aviation
553 Administration as having authority to provide guidance and waivers on unmanned aircraft
554 provides a written statement to the operator stating that operation of the unmanned aircraft at

555 an airspeed greater than 100 miles per hour is authorized by the organization; or
556 (ii) the private operator receives written approval from the Federal Aviation
557 Administration to operate the unmanned aircraft at an airspeed greater than 100 miles per hour;
558 and

559 (b) the private operator has, in the private operator's immediate possession, the
560 statement described in Subsection (2)(a)(i) or the approval described in Subsection (2)(a)(ii).

561 (3) A private operator who operates an unmanned aircraft under a statement or
562 approval described in Subsection (2) shall, upon request from a representative of the Federal
563 Aviation Administration or a law enforcement officer, provide the statement or approval to the
564 representative or officer.

565 (4) A private operator who violates:

566 (a) Subsection (1) is guilty of a class B misdemeanor; or

567 (b) Subsection (3) is guilty of an infraction.

568 Section 22. Section **63G-18-308** is enacted to read:

569 **63G-18-308. Weight restriction -- Penalties.**

570 (1) A private operator may not operate an unmanned aircraft with a gross takeoff
571 weight of more than 55 pounds unless:

572 (a) (i) a national nonprofit organization recognized by the Federal Aviation
573 Administration as having authority to provide guidance and waivers on unmanned aircraft
574 provides a written statement to the operator stating that operation of the unmanned aircraft that
575 weighs more than 55 pounds is authorized by the organization; or

576 (ii) the private operator receives written approval to operate the unmanned aircraft
577 from the Federal Aviation Administration; and

578 (b) the private operator has, in the private operator's immediate possession, the
579 statement described in Subsection (1)(a)(i) or the approval described in Subsection (1)(a)(ii).

580 (2) A private operator who operates an unmanned aircraft under a statement or
581 approval described in Subsection (1) shall, upon request from a representative of the Federal
582 Aviation Administration or a law enforcement officer, provide the statement or approval to the
583 representative or officer.

584 (3) A private operator who violates Subsection (1) or (2) is guilty of an infraction.

585 Section 23. Section **63G-18-309** is enacted to read:

586 **63G-18-309. Identification affixed to unmanned aircraft -- Penalties.**

587 (1) A private operator may not operate an unmanned aircraft unless the unmanned
588 aircraft has the unmanned aircraft owner's name, mailing address, telephone number, and
589 Federal Aviation Administration registration number permanently affixed to the outside of the
590 unmanned aircraft.

591 (2) A private operator who violates Subsection (1) is guilty of an infraction.

592 Section 24. Section **63G-18-310** is enacted to read:

593 **63G-18-310. Weaponizing unmanned aircraft -- Penalties.**

594 (1) (a) As used in this section, "weapon" means:

595 (i) a firearm; or

596 (ii) an object that in the manner of the object's use or intended use is capable of causing
597 death or serious bodily injury.

598 (b) The following factors are used in determining whether an object, other than a
599 firearm, is a dangerous weapon:

600 (i) the location and circumstances in which the object is used or possessed;

601 (ii) the primary purpose for which the object is made;

602 (iii) the character of the wound, if any, produced by the object's use;

603 (iv) the manner in which the object is used;

604 (v) whether the manner in which the object is used or possessed constitutes a potential
605 imminent threat to public safety; and

606 (vi) the lawful purposes for which the object may be used.

607 (2) An individual is guilty of weaponizing an unmanned aircraft if the individual:

608 (a) attaches a weapon to an unmanned aircraft; or

609 (b) uses an unmanned aircraft to carry a weapon.

610 (3) Weaponizing an unmanned aircraft is a class B misdemeanor.

611 Section 25. Section **63G-18-311** is enacted to read:

612 **63G-18-311. Propulsion mechanisms for unmanned aircraft -- Penalties.**

613 (1) A private operator may not operate an unmanned aircraft that uses:

614 (a) hydrogen gas for propulsion or lift; or

615 (b) except as provided in Subsection (2), metal blade propellers.

616 (2) Notwithstanding Subsection (1), an unmanned aircraft may use metal blade

617 propellers if:

618 (a) a national nonprofit organization recognized by the Federal Aviation
619 Administration as having authority to provide guidance and waivers on unmanned aircraft
620 provides a written statement to the private operator stating that operation of the unmanned
621 aircraft with metal blade propellers is authorized by the organization; and

622 (b) the private operator has, in the private operator's immediate possession, the
623 statement described in Subsection (2)(a).

624 (3) A private operator who operates an unmanned aircraft under a statement described
625 in Subsection (2)(a) shall, upon request from a representative of the Federal Aviation
626 Administration or a law enforcement officer, provide the statement or approval to the
627 representative or officer.

628 (4) A private operator who violates Subsection (3) is guilty of an infraction.

629 Section 26. Section **63G-18-312** is enacted to read:

630 **63G-18-312. Unmanned aircraft operation outside daylight hours.**

631 A private operator may not operate an unmanned aircraft system after sunset or before
632 sunrise unless the unmanned aircraft flown through the system is equipped with, and operates
633 using, an onboard lighting system that is visible, without aid, from at least 300 feet in all
634 directions.

635 Section 27. Section **63G-18-313** is enacted to read:

636 **63G-18-313. Operation of multiple unmanned aircraft -- Penalties.**

637 (1) A private operator may not:

638 (a) operate more than one unmanned aircraft at the same time, regardless of whether
639 one or more of the unmanned aircraft operates autonomously; or

640 (b) operate an unmanned aircraft at the same time the private operator operates or
641 controls a mode of transportation, regardless of whether the unmanned aircraft operates
642 autonomously.

643 (2) A private operator who violates Subsection (1) is guilty of an infraction.

644 Section 28. Section **63G-18-314** is enacted to read:

645 **63G-18-314. Interference with unmanned aircraft or operator.**

646 (1) Except as provided in Subsection (2), an individual may not interfere with the
647 operation of an unmanned aircraft system by:

648 (a) intentionally obscuring the operator's line of sight;
649 (b) interfering with the operator's interaction with the unmanned aircraft system;
650 (c) intentionally distracting the operator from the operation of the unmanned aircraft
651 system; or
652 (d) knowingly creating a radio frequency signal that might interfere with the operation
653 of the unmanned aircraft system.

654 (2) An individual may interfere with the operation of an unmanned aircraft system:

655 (a) to take necessary action to eliminate an immediate threat of an unmanned aircraft
656 striking an individual; or

657 (b) if the individual is a law enforcement officer, to eliminate an immediate threat an
658 unmanned aircraft poses to an individual's body or property.

659 (3) An individual who violates Subsection (1) is guilty of:

660 (a) an infraction if the interference does not cause damage to the unmanned aircraft,
661 damage to property, or bodily harm to an individual; or

662 (b) a class B misdemeanor if the interference causes damage to the unmanned aircraft,
663 damage to property, or bodily harm to an individual.

664 Section 29. Section **63G-18-315** is enacted to read:

665 **63G-18-315. Unmanned aircraft in prohibited airspace -- Penalties.**

666 (1) Except as provided in Subsection (2), a private operator may not operate an
667 unmanned aircraft system in a manner that causes an unmanned aircraft to fly in airspace
668 designated by the Federal Aviation Administration as:

669 (a) Class B, Class C, or Class D airspace;

670 (b) a restricted area under 14 C.F.R. Chapter 1, Subchapter E, Part 73, Subpart B; or

671 (c) a prohibited area under 14 C.F.R. Chapter 1, Subchapter E, Part 73, Subpart C.

672 (2) A private operator may operate an unmanned aircraft system in a manner that
673 causes an unmanned aircraft to fly in airspace described in Subsection (1) if the private
674 operator:

675 (a) receives written approval for the operation from the entity controlling the airspace
676 described in Subsection (1); and

677 (b) has, in the private operator's immediate possession, the written approval described
678 in Subsection (2)(a).

679 (3) A private operator who operates an unmanned aircraft system under a written
680 approval described in Subsection (2) shall, upon request from a representative of the Federal
681 Aviation Administration or a law enforcement officer, provide the written approval to the
682 representative or officer.

683 (4) A private operator who violates:

684 (a) Subsection (1) is guilty of a class B misdemeanor; or

685 (b) Subsection (3) is guilty of an infraction.

686 Section 30. Section **63G-18-316** is enacted to read:

687 **63G-18-316. Unmanned aircraft in proximity to airports.**

688 (1) A private operator may not operate an unmanned aircraft system in a manner that
689 causes an unmanned aircraft to fly within five miles of an airport unless the private operator:

690 (a) receives written approval from the airport operator authorizing the flight of the
691 unmanned aircraft within five miles of the airport; and

692 (b) has, in the private operator's immediate possession, the written approval described
693 in Subsection (1)(a).

694 (2) A private operator who operates an unmanned aircraft system under a written
695 approval described in Subsection (1)(a) shall, upon request from a representative of the Federal
696 Aviation Administration or a law enforcement officer, provide the written approval to the
697 representative or officer.

698 (3) A private operator who violates:

699 (a) Subsection (1)(a) is guilty of a class B misdemeanor; or

700 (b) Subsection (1)(b) or (2) is guilty of an infraction.

701 Section 31. Section **63G-18-317** is enacted to read:

702 **63G-18-317. Unmanned aircraft in federally prohibited areas -- Penalties.**

703 (1) Except as provided in Subsection (2), a private operator may not operate an
704 unmanned aircraft system in a manner that causes an unmanned aircraft to fly:

705 (a) within an area under a temporary flight restriction designated by the Federal
706 Aviation Administration; or

707 (b) in violation of a notice to airmen issued by the Federal Aviation Administration.

708 (2) A private operator may operate an unmanned aircraft system in a manner prohibited
709 under Subsection (1) if the private operator:

710 (a) receives written approval from the Federal Aviation Administration; and
 711 (b) has, in the private operator's immediate possession, the written approval described
 712 in Subsection (2)(a).

713 (3) A private operator who operates an unmanned aircraft system under a written
 714 approval described in Subsection (2) shall, upon request from a representative of the Federal
 715 Aviation Administration or a law enforcement officer, provide the approval to the
 716 representative or officer.

717 (4) A private operator who violates:
 718 (a) Subsection (1) is guilty of a class B misdemeanor; or
 719 (b) Subsection (3) is guilty of an infraction.

720 Section 32. Section **63G-18-318** is enacted to read:

721 **63G-18-318. Unmanned aircraft in state protected areas -- Penalties.**

722 (1) Except as provided in Subsection (2), a private operator may not operate an
 723 unmanned aircraft system so that an unmanned aircraft flies:

- 724 (a) within 1,000 feet of the grounds upon which the Utah State Capitol is located;
- 725 (b) in the airspace above the grounds upon which the Utah State Capitol is located;
- 726 (c) within 1,000 feet of the governor's mansion; or
- 727 (d) within 500 feet of an occupied structure that is more than 150 feet tall.

728 (2) A private operator may operate an unmanned aircraft system so that an unmanned
 729 aircraft flies within an area prohibited under Subsection (1) if the private operator:

730 (a) receives written approval from the Department of Public Safety; and
 731 (b) has, in the private operator's immediate possession, the written approval described
 732 in Subsection (2)(a).

733 (3) A private operator who operates an unmanned aircraft system under a written
 734 approval described in Subsection (2) shall, upon request from a representative of the Federal
 735 Aviation Administration or a law enforcement officer, provide the written approval to the
 736 representative or officer.

737 (4) A private operator who violates:
 738 (a) Subsection (1) is guilty of a class C misdemeanor; or
 739 (b) Subsection (3) is guilty of an infraction.

740 Section 33. Section **63G-18-319** is enacted to read:

741 **63G-18-319. Unmanned aircraft and correctional facilities -- Penalties.**

742 (1) As used in this section, "correctional facility" means the entirety of the grounds
743 upon which one of the following is located:

744 (a) a facility operated by or under contract with the Department of Corrections to
745 permanently house criminal offenders in a secure setting;

746 (b) a facility operated by a municipality or a county to house or detain criminal
747 offenders; or

748 (c) a juvenile detention facility.

749 (2) A private operator may not operate an unmanned aircraft system in a manner that
750 causes an unmanned aircraft to fly within 1,000 feet of a correctional facility, or the airspace
751 over a correctional facility, unless the private operator:

752 (a) receives written approval for the operation from the entity managing the operation
753 of the correctional facility; and

754 (b) has, in the private operator's immediate possession, the written approval described
755 in Subsection (2)(a).

756 (3) A private operator who operates an unmanned aircraft system under a written
757 approval described in Subsection (2) shall, upon request from one of the following individuals,
758 provide the written approval to the individual:

759 (a) a representative of the Federal Aviation Administration;

760 (b) a law enforcement officer; or

761 (c) an employee of the entity managing the operation of the correctional facility.

762 (4) A private operator who violates:

763 (a) Subsection (1) is guilty of a class B misdemeanor; or

764 (b) Subsection (3) is guilty of an infraction.

765 Section 34. Section **63G-18-320** is enacted to read:

766 **63G-18-320. Unmanned aircraft in an enclosure -- Penalties.**

767 (1) As used in this section:

768 (a) "Enclosure" means an area wholly or partially inside a manmade structure or natural
769 feature.

770 (b) "Enclosure" includes the area wholly or partially:

771 (i) inside a building or tent;

772 (ii) under a bridge, tunnel, overpass, or arch; or

773 (iii) in a cave or mine.

774 (2) A private operator may not operate an unmanned aircraft system so that an
775 unmanned aircraft flies in an enclosure unless the private operator:

776 (a) obtains written approval from:

777 (i) the owner of the enclosure in which the private operator flies the unmanned aircraft;

778 (ii) if applicable, the person organizing the event at which the private operator flies the
779 unmanned aircraft; and

780 (iii) if required by law, the Federal Aviation Administration in the form of a Certificate
781 of Waiver, Certificate of Authorization, or other exemption; and

782 (b) has, in the private operator's immediate possession, any written approval described
783 in Subsection (2)(a) obtained by the private operator.

784 (3) A private operator who operates an unmanned aircraft system under a written
785 approval described in Subsection (2) shall, upon request from a representative of the Federal
786 Aviation Administration or a law enforcement officer, provide the written approval to the
787 representative or officer.

788 (4) A private operator who violates:

789 (a) Subsection (2) is guilty of a class C misdemeanor; or

790 (b) Subsection (3) is guilty of an infraction.

791 Section 35. Section **63G-18-321** is enacted to read:

792 **63G-18-321. Unmanned aircraft and emergencies -- Penalties.**

793 (1) As used in this section, "apparent emergency" means that official emergency
794 response personnel have arrived at the scene of an incident.

795 (2) A private operator may not operate an unmanned aircraft system in a manner that
796 causes an unmanned aircraft to fly over the scene of an apparent emergency, or an area
797 immediately affected by an apparent emergency, unless the operator flies the unmanned aircraft
798 under the direction of the person coordinating the response to the apparent emergency.

799 (3) A private operator is guilty of a class B misdemeanor if, after receiving a written
800 warning from a law enforcement officer for a violation of Subsection (2), the private operator
801 subsequently violates Subsection (2).

802 Section 36. Section **63G-18-401** is enacted to read:

Part 4. Education Institution Operation of Unmanned Aircraft

63G-18-401. Title.

This part is known as "Education Institution Operation of Unmanned Aircraft."

Section 37. Section **63G-18-402** is enacted to read:

63G-18-402. Definitions.

As used in this part:

(1) "Educational institution" means:

(a) an educational institution described in Section [53B-1-102](#) under the state system of higher education; or

(b) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(2) "Educational operator" means an individual who operates an unmanned aircraft system in the individual's official capacity as an employee or representative of an educational institution.

Section 38. Section **63G-18-403** is enacted to read:

63G-18-403. Higher educational institution operation of unmanned aircraft.

(1) Except as provided in Subsection (4), an educational operator may not operate an unmanned aircraft system unless:

(a) the educational operator has, in the educational operator's immediate possession:

(i) identification that:

(A) is issued by the educational institution for which the educational operator is operating the unmanned aircraft system;

(B) indicates the educational operator's affiliation with the educational institution; and

(C) contains the educational operator's name and a photograph; and

(ii) a certificate of registration issued by the Federal Aviation Administration for the unmanned aircraft system;

(b) if required by federal law or rule, the educational institution for which the educational operator is operating the unmanned aircraft system has obtained a Certificate of Waiver, Certificate of Authorization, or other exemption from the Federal Aviation Administration that specifically authorizes the operation of the unmanned aircraft system;

(c) the educational operator has, in the educational operator's immediate possession, a

834 copy of any waiver, authorization, or exemption obtained under Subsection (1)(b); and
835 (d) the educational operator operates the unmanned aircraft system in accordance with
836 any waiver, authorization, or exemption obtained under Subsection (1)(b).
837 (2) Upon request from a representative of the Federal Aviation Administration or a law
838 enforcement officer, an educational operator shall provide the representative or officer:
839 (a) the identification described in Subsection (1)(a)(i);
840 (b) the certificate of registration described in Subsection (1)(a)(ii); or
841 (c) the waiver, authorization, or exemption described in Subsection (1)(b).
842 (3) An educational operator who violates Subsection (2) is guilty of an infraction.
843 (4) Unless required by federal law, an educational operator is not required to comply
844 with this section if the educational operator operates an unmanned aircraft system over property
845 that is owned by the educational institution for which the educational operator operates the
846 unmanned aircraft system.

847 Section 39. Section **63G-18-501** is enacted to read:

848 **Part 5. Commercial Operation of Unmanned Aircraft**

849 **63G-18-501. Title.**

850 This part is known as "Commercial Operation of Unmanned Aircraft."

851 Section 40. Section **63G-18-502** is enacted to read:

852 **63G-18-502. Definitions.**

853 As used in this part, "valid identification" means:

854 (1) identification that:

855 (a) is issued by the corporate operator;

856 (b) indicates the individual's affiliation with the corporate operator; and

857 (c) contains the individual's name and a photograph; or

858 (2) a valid driver license or state-issued identification card.

859 Section 41. Section **63G-18-503** is enacted to read:

860 **63G-18-503. Regulated use of commercial unmanned aircraft.**

861 (1) A commercial operator may not operate an unmanned aircraft system for
862 commercial purposes, unless:

863 (a) the commercial operator is at least 17 years of age;

864 (b) the entity for which the commercial operator is operating the unmanned aircraft

865 system has obtained a Certificate of Waiver, Certificate of Authorization, or other exemption
866 from the Federal Aviation Administration that specifically authorizes the operation of the
867 unmanned aircraft system;

868 (c) the commercial operator has, in the commercial operator's immediate possession:

869 (i) valid identification;

870 (ii) a copy of a Certificate of Waiver, Certificate of Authorization, or other exemption
871 described in Subsection (1)(b); and

872 (iii) a certificate of registration issued by the Federal Aviation Administration for the
873 unmanned aircraft system;

874 (d) the commercial operator operates the unmanned aircraft system in accordance with
875 a Certificate of Waiver, Certificate of Authorization, or other exemption described in
876 Subsection (1)(b); and

877 (e) except as provided in Subsection (3), the commercial operator receives permission
878 from each landowner over which the commercial operator will fly an unmanned aircraft at less
879 than 400 feet above ground.

880 (2) Upon request from a representative of the Federal Aviation Administration or a law
881 enforcement officer, a commercial operator shall provide the representative or officer:

882 (a) valid identification;

883 (b) a Certificate of Waiver, Certificate of Authorization, or other exemption described
884 in Subsection (1)(b); or

885 (c) the certificate of registration described in Subsection (1)(c)(iii).

886 (3) A commercial operator is not required to obtain permission from a landowner under
887 Subsection (1)(e) to operate an unmanned aircraft at less than 400 feet above ground if an
888 altitude of less than 400 feet above the landowner's property is necessary in order to take off or
889 land at an airport, airfield, or runway.

890 (4) (a) A commercial operator who violates Subsection (1)(b) is guilty of a class B
891 misdemeanor.

892 (b) A commercial operator who violates Subsection (2) is guilty of an infraction.

893 Section 42. Section **63G-18-504** is enacted to read:

894 **63G-18-504. Liability coverage required for commercial operation.**

895 (1) Except as provided in Subsection (3), on or after July 1, 2017, a commercial

896 operator may not operate an unmanned aircraft system for commercial purposes unless:

897 (a) the unmanned aircraft system is covered under a policy of unmanned aircraft
898 liability coverage that complies with the requirements of Section 31A-22-2002; and

899 (b) the commercial operator has, in the commercial operator's immediate possession,
900 evidence of the unmanned aircraft liability coverage described in Subsection (1)(a).

901 (2) On or after July 1, 2017, upon request from a representative of the Federal Aviation
902 Administration or a law enforcement officer, a commercial operator shall provide the
903 representative or officer evidence of unmanned aircraft liability coverage described in
904 Subsection (1)(a).

905 (3) Notwithstanding Subsection (1), a commercial operator may operate an unmanned
906 aircraft system for commercial purposes without obtaining a policy of unmanned aircraft
907 liability coverage if the commercial operator only flies the unmanned aircraft controlled by the
908 unmanned aircraft system:

909 (a) for agricultural purposes; and

910 (b) over property owned by the commercial operator or a person with whom the
911 commercial operator has an agreement to operate the unmanned aircraft.

912 (4) (a) A commercial operator who violates Subsection (1)(a) is guilty of a class B
913 misdemeanor.

914 (b) A commercial operator who violates Subsection (2) is guilty of an infraction.

915 Section 43. Section **79-4-304** is amended to read:

916 **79-4-304. Board rulemaking authority.**

917 (1) (a) The board may make rules:

918 (i) governing the use of the state park system;

919 (ii) to protect state parks and their natural and cultural resources from misuse or
920 damage, including watersheds, plants, wildlife, and park amenities; and

921 (iii) to provide for public safety and preserve the peace within state parks.

922 (b) To accomplish the purposes stated in Subsection (1)(a), the board may enact rules
923 that:

924 (i) close or partially close state parks; [~~or~~]

925 (ii) establish use or access restrictions within state parks[~~;~~]; or

926 (iii) regulate the use of unmanned aircraft over state parks.

927 (c) Rules made under Subsection (1) may not have the effect of preventing the transfer
928 of livestock along a livestock highway established in accordance with Section [72-3-112](#).

929 (2) The board shall adopt appropriate rules governing the collection of charges under
930 Subsection [79-4-203](#)(8).

Legislative Review Note
Office of Legislative Research and General Counsel