

IN THE SENATE

SENATE BILL NO. 1134

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO AERONAUTICS; TO DEFINE A TERM, TO ESTABLISH PROVISIONS RELATING TO RESTRICTIONS ON THE USE OF UNMANNED AIRCRAFT SYSTEMS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR A CIVIL CAUSE OF ACTION, TO PROVIDE FOR CERTAIN DAMAGES AND TO PROVIDE THAT AN OWNER OF CERTAIN FACILITIES SHALL NOT BE PROHIBITED FROM USING AN UNMANNED AIRCRAFT SYSTEM TO INSPECT SUCH FACILITIES.

Be It Enacted by the Legislature of the State of Idaho:

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

21-213. RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS -- DEFINITION -- 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 piloted 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 necessarily limited to, those that are radio controlled or otherwise remotely controlled and that are used purely for sport or recreational purposes; and

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

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

(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 agricultural industry. Provided however, that the restrictions on the use of unmanned aircraft systems provided for in this subsection shall not apply to state or local law enforcement agencies engaged in marijuana eradication efforts on any property described in this subparagraph.

(b) Absent reasonable, articulable suspicion of criminal conduct, no person, entity or state agency shall use an unmanned aircraft system to photograph an individual, without such individual's written consent, for the purpose of publishing or otherwise publicly disseminating such photograph.

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

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

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

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

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