

By: Murphy, Herrero

H.B. No. 1481

Substitute the following for H.B. No. 1481:

By: Herrero

C.S.H.B. No. 1481

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 423, Government Code, is amended by adding Section 423.0045 to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

(1) "Critical infrastructure facility" means one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(A) a petroleum or alumina refinery;

(B) an electrical power generating facility, substation, switching station, or electrical control center;

(C) an above-ground oil, gas, or chemical pipeline;

(D) a chemical, polymer, or rubber manufacturing facility;

(E) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(F) a natural gas compressor station;

1                    (G) a liquid natural gas terminal or storage  
2 facility;

3                    (H) a telecommunications central switching  
4 office;

5                    (I) a port, railroad switching yard, trucking  
6 terminal, or other freight transportation facility;

7                    (J) a gas processing plant, including a plant  
8 used in the processing, treatment, or fractionation of natural gas;

9                    (K) a transmission facility used by a federally  
10 licensed radio or television station;

11                   (L) a steelmaking facility that uses an electric  
12 arc furnace to make steel; or

13                   (M) a dam that is classified as a high hazard by  
14 the Texas Commission on Environmental Quality.

15                   (2) "Dam" means any barrier, including any appurtenant  
16 structures, that is constructed for the purpose of permanently or  
17 temporarily impounding water.

18                   (b) A person commits an offense if the person intentionally  
19 or knowingly:

20                   (1) operates an unmanned aircraft over a critical  
21 infrastructure facility and the unmanned aircraft is not higher  
22 than 400 feet above ground level;

23                   (2) allows an unmanned aircraft to make contact with a  
24 critical infrastructure facility, including any person or object on  
25 the premises of or within the facility; or

26                   (3) allows an unmanned aircraft to come within a  
27 distance of a critical infrastructure facility that is close enough

1 to interfere with the operations of or cause a disturbance to the  
2 facility.

3 (c) This section does not apply to conduct described by  
4 Subsection (b) that is committed by:

5 (1) the federal government, the state, or a  
6 governmental entity;

7 (2) a person under contract with or otherwise acting  
8 under the direction or on behalf of the federal government, the  
9 state, or a governmental entity;

10 (3) a law enforcement agency;

11 (4) a person under contract with or otherwise acting  
12 under the direction or on behalf of a law enforcement agency;

13 (5) an owner or operator of the critical  
14 infrastructure facility;

15 (6) a person under contract with or otherwise acting  
16 under the direction or on behalf of an owner or operator of the  
17 critical infrastructure facility;

18 (7) a person who has the prior written consent of the  
19 owner or operator of the critical infrastructure facility; or

20 (8) an operator of an unmanned aircraft that is being  
21 used for a commercial purpose, if the operator is authorized by the  
22 Federal Aviation Administration to conduct operations over that  
23 airspace.

24 (d) An offense under this section is a Class B misdemeanor,  
25 except that the offense is a Class A misdemeanor if the actor has  
26 previously been convicted under this section.

27 SECTION 2. This Act takes effect September 1, 2015.