

IN THE SENATE

SENATE BILL NO. 1134, As Amended, As Amended in the House, As Amended in the House

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO AERONAUTICS; AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-213, IDAHO CODE, 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 mapping or resource management.

(2) (a) Absent a warrant, and except for emergency response for safety, search and rescue or controlled substance investigations, no person, entity or state agency shall use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted persons or specifically targeted private property including, but not limited to:

(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.

(b) No person, entity or state agency shall use an unmanned aircraft system to photograph or otherwise record an individual, without such

1 individual's written consent, for the purpose of publishing or other-
2 wise publicly disseminating such photograph or recording.

3 (3) Any person who is the subject of prohibited conduct under subsec-
4 tion (2) of this section shall:

5 (a) Have a civil cause of action against the person, entity or state
6 agency for such prohibited conduct; and

7 (b) Be entitled to recover from any such person, entity or state agency
8 damages in the amount of the greater of one thousand dollars (\$1,000) or
9 actual and general damages, plus reasonable attorney's fees and other
10 litigation costs reasonably incurred.

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