

1 SENATE BILL 348

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Gregory A. Baca

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; REGULATING THE OPERATION OF UNMANNED
12 AIRCRAFT; PROVIDING PENALTIES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] UNLAWFUL OPERATION OF UNMANNED
16 AIRCRAFT--PROVIDING PENALTIES--DEFINITIONS.--

17 A. It shall be unlawful to operate, direct or
18 program a drone to fly:

19 (1) within five hundred feet of critical
20 infrastructure in New Mexico; and

21 (2) in a manner that interferes with the
22 official duties of a first responder.

23 B. Subsection A of this section shall not apply to:

24 (1) a drone used for law enforcement purposes;
25 and

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1 (2) a drone flying over property where written
2 permission has been granted by the property owner, manager or
3 the property owner's agent.

4 C. A person who for the first time violates
5 Subsection A of this section is guilty of a petty misdemeanor
6 and is punishable pursuant to Subsection B of Section 31-19-1
7 NMSA 1978. A person who for the second or subsequent time
8 violates Subsection A of this section is guilty of a
9 misdemeanor and is punishable pursuant to Subsection A of
10 Section 31-19-1 NMSA 1978.

11 D. As used in this section:

12 (1) "critical infrastructure" means airports,
13 petroleum refineries, petroleum storage facilities, chemical
14 storage facilities, chemical manufacturing facilities, power
15 plants, electric generation facilities, law enforcement
16 facilities, military facilities, railyard facilities, drinking
17 water treatment and storage facilities, government buildings
18 and public safety buildings and facilities;

19 (2) "drone" means an unmanned powered, aerial
20 vehicle that:

- 21 (a) does not carry a human operator;
22 (b) uses aerodynamic forces to provide
23 vehicle lift;
24 (c) can fly autonomously or be piloted
25 remotely; and

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(d) can be expendable or recoverable;

and

(3) "first responder" means a police officer, firefighter, paramedic or search and rescue personnel.

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.