
HOUSE BILL 1766

State of Washington

66th Legislature

2019 Regular Session

By Representatives Lovick, Griffey, Pettigrew, Goodman, Sells, Orwall, Kilduff, Tarleton, Valdez, Gregerson, Mead, Callan, Walen, Appleton, Ortiz-Self, Kirby, Cody, Morgan, Riccelli, Macri, Davis, Bergquist, Ryu, Lekanoff, Stokesbary, Irwin, and Vick

1 AN ACT Relating to unmanned aircraft; adding a new chapter to
2 Title 9A RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

7 (1) "Contraband" has the same meaning as provided in RCW
8 9A.76.010.

9 (2) "Detention facility" has the same meaning as provided in RCW
10 9A.76.010.

11 (3) "Private place" means a place where a person has a reasonable
12 expectation of privacy.

13 (4) "Secure facility" has the same meaning as provided in RCW
14 71.09.020.

15 (5) "Surveillance" means using an unmanned aircraft or causing an
16 unmanned aircraft to be used to enter or remain on or above the land
17 of another in order to observe, record, or invade the privacy of
18 another.

19 (6) "Unmanned aircraft" means an aircraft that is operated
20 without the possibility of direct human intervention from within or
21 on the aircraft.

1 NEW SECTION. **Sec. 2.** (1) A person is guilty of unlawful use of
2 an unmanned aircraft if the person knowingly uses an unmanned
3 aircraft to:

4 (a) Conduct surveillance of another person in a private place;

5 (b) Operate the unmanned aircraft in a manner which places
6 another person in reasonable fear of bodily injury; or

7 (c) Deliver, provide, transmit, or furnish contraband to a person
8 confined in a detention facility or secure facility.

9 (2) In a prosecution under this section, it is a defense that the
10 use of the unmanned aircraft was for the purpose of:

11 (a) Performing official duties by: (i) A peace officer; (ii) an
12 employee or agent of the department of corrections, detention
13 facility, or secure facility; (iii) an officer, employee, or agent of
14 the federal, state, or local government including, but not limited
15 to, a firefighter or emergency medical responder; or (iv) an employee
16 or agent of an electric, water, natural gas, or other utility; or

17 (b) Aerial data collection, so long as: (i) The person used the
18 unmanned aircraft in compliance with regulations promulgated by the
19 federal aviation administration or he or she possesses an exemption
20 issued by the federal aviation administration; and (ii) the person
21 did not knowingly conduct surveillance of another person in a private
22 place.

23 (3) Unlawful use of an unmanned aircraft is a gross misdemeanor.

24 (4) A person who, in the commission of the offense under this
25 section, commits any other crime may be punished for that other crime
26 as well as for the offense under this section and may be prosecuted
27 for each crime separately.

28 NEW SECTION. **Sec. 3.** The state hereby occupies and preempts the
29 field of unmanned aircraft regulation within the boundaries of the
30 state, including for the purchase, acquisition, possession,
31 operation, and use of unmanned aircraft. Cities, towns, counties, and
32 other municipalities may not enact laws, ordinances, and resolutions
33 pertaining to the purchase, acquisition, possession, operation, and
34 use of unmanned aircraft, unless specifically authorized by statute.
35 The preemption in this section applies regardless of the nature of
36 the code, charter, or home rule status of a city, town, county, or
37 other municipality. Any local laws, ordinances, and resolutions in
38 violation of this section are void as of the effective date of this
39 section.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
2 constitute a new chapter in Title 9A RCW.

3 NEW SECTION. **Sec. 5.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

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