

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: August 20, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations and  
Neighborhoods Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File Nos: 15-0002-S85 -S89  
Chief Legislative Analyst Assignment No: 15-08-0649

SUBJECT: Resolutions (Wesson - Englander - Martinez) to support state and federal legislation  
related to the regulation of the use of Unmanned Aircraft Systems (UAS)

CLA RECOMMENDATIONS: A. Adopt Resolution (Wesson - Englander - Martinez, Council File 15-0002-S85) to include in the City's 2015 - 2016 State Legislative Program SUPPORT for SB 167 (Gaines), which would make it a misdemeanor to use an Unmanned Aircraft System (UAS) in a way that interferes with the lawful efforts of a firefighter to extinguish a fire.

B. Adopt Resolution (Wesson - Englander - Martinez, Council File 15-0002-S87) to include in the City's 2015 - 2016 State Legislative Program SUPPORT for SB 168 (Gaines), which would legally indemnify any emergency responder who damages an UAS in the course of firefighting, air ambulance transport, or in search-and-rescue operations.

C. Adopt Resolution (Wesson - Englander - Martinez, Council File 15-0002-S89) to include in the City's 2015 - 2016 State Legislative Program SUPPORT for SB 142 (Jackson), which would define property rights in California to include the airspace up to an elevation of 350 feet above the underlying property, and would clarify that the operation of an UAS below that level over the property of another person could constitute trespassing.

D. Adopt Resolution (Wesson - Englander - Martinez, Council File 15-0002-S88) to include in the City's 2015 - 2016 Federal Legislative Program SUPPORT for S. 1608 (Feinstein), the Consumer Drone Safety Act, which would require safety features on consumer UAS as well as strengthen federal law governing the operation of consumer UAS.

E. Adopt Resolution (Wesson - Englander - Martinez, Council File 15-0002-S86) to include in the City's 2015 - 2016 Federal Legislative Program SUPPORT for H.R. 3025 (Cook), the Wildfire Airspace Protection Act of 2015, which would make it a crime to launch an UAS in a place near a wildfire that threatens the real or personal property of the United States or any federal department or agency, if the UAS interferes with firefighting efforts.

SUMMARY

On August 5, 2015, a number of resolutions concerning the regulation of Unmanned Aircraft Systems (UAS) were introduced by Councilmembers Wesson, Englander and Martinez. The Resolutions state that, as UAS become more prevalent, it is important to enact legislation that ensures that these devices are not used in ways that are unsafe or in ways that violate the privacy of others. Specifically, these resolutions support policies that would: prohibit flying UAS near

wildfires or in ways that interfere with firefighting efforts; legally indemnify emergency personnel who force down an UAS in the course of their duties; redefine property rights in California in a way that would include the airspace above the property; and, enact consumer protections at a federal level to regulate the use and safety features of UAS.

The Resolutions state that the use of UAS is continuing to grow, and with the increased number of these devices in the air, new issues have surfaced. The Resolutions, therefore, seek an official position of the City of Los Angeles to support SB 167 (Gaines), SB 168 (Gaines), SB 142 (Jackson), H.R. 3025 (Cook) and S. 1608 (Feinstein) all of which would impose new regulations on the use of Unmanned Aircraft Systems.

## BACKGROUND

In 2012, Congress required the Federal Aviation Administration (FAA) to establish a regulatory framework for integrating UAS into the national airspace. The FAA has published guidelines for the safe operation of UAS, and has begun regulating the use of UAS by commercial entities, but it has not established the regulatory framework for Model UAS, which are used by hobbyists. Rules for the operation of UAS by hobbyists are forthcoming, but it is expected that many issues with their operation will not be addressed by the FAA. With the number of UAS in operation increasing each year, legislation is needed at both the state and federal level to create common-sense rules for the use of UAS, and to allow for emergency responders to deal with UAS that interfere with their duties.

The Police Department (LAPD) and the Fire Department (LAFD) have indicated that there is a growing concern in public safety agencies across the United States with the reckless operation of UAS. The legislation described below would address a number of issues related to UAS.

### ***State Legislation***

#### ***SB 167 (Gaines)***

SB 167 would make it a crime to knowingly, intentionally, or recklessly operate an UAS in a manner that prevents or delays the extinguishing of a fire, or in any way that interferes with efforts to control, contain or extinguish a fire. The punishment for this crime would be up to six months in jail, a fine not to exceed \$5,000, or both the fine and imprisonment. SB 167 was introduced in response to numerous recent instances of UAS being operated over wildfires, which caused fire departments to postpone or cancel airdrops. Fire departments cannot safely operate manned aircraft in close proximity to UAS, as a collision between the two could be dangerous for the crew of the manned aircraft. This legislation imposes a severe penalty on those who would recklessly operate UAS over fires, and would be an effective deterrent against this type of behavior.

#### ***SB 168 (Gaines)***

SB 168 would legally indemnify emergency responders who damage an UAS during the course of their duties, if the UAS was interfering with the provision of emergency services. As stated above, the recent increase in the number of unauthorized UAS operating over fires has caused manned firefighting aircraft to postpone or cancel airdrops on fires, hampering fire suppression efforts. SB 168 would enable firefighters or other emergency personnel engaged in their duties to force an UAS to land or crash without fear of legal liability for any damage to the UAS that may occur. SB 168, when coupled with SB 167, gives fire departments across California the ability to effectively carry out their duties without concern for possible legal liability for damage to UAS.

*SB 142 (Jackson)*

SB 142 would establish a property right in the airspace up to 350 feet directly above private property, so that UAS cannot be operated lower than 350 feet over private land, houses, or buildings, without the permission of the property owner or tenant. Supporters of this legislation state that the 350 feet demarcation is reasonable, as it preserves an individual's expectation of privacy in their home while allowing for UAS to be transited over private property below 500 feet, which is the maximum height recommended for safe UAS operation. SB 142 states that law enforcement has the ability to operate UAS at any height, and that the provisions of this legislation apply only to hobbyists and commercial users.

***Federal Legislation***

*H.R. 3025 (Cook)*

H.R. 3025, the Wildfire Airspace Protection Act of 2015, would make it a criminal offense to knowingly launch an UAS in a place near a wildfire that threatens the real or personal property of the United States or of any federal department or agency, if that UAS is used to recklessly interfere with fire suppression efforts. An individual found guilty of violating this statute would be subject to a fine, imprisonment of not more than five years, or both the fine and imprisonment. The reasoning behind H.R. 3025 is similar to that of SB 167, but would only apply to individuals who recklessly operate UAS over fires that threaten federal property.

*S. 1608 (Feinstein)*

S. 1608, the Consumer Drone Safety Act, would require safety features on Model UAS and strengthen federal laws that govern their operation. Under current law, the FAA does not require safety features on Model UAS used by hobbyists, and there are no clear federal laws on the safe use of UAS. S. 1608 would direct the FAA to regulate recreation operations of UAS, including specifying a maximum height for flight, weather and time-of-day conditions for flight and any areas where the operation of UAS may be prohibited or limited, such as near airports or manned flight paths. Further, S. 1608 would direct the FAA to require safety features on newly manufactured UAS, such as geo-fencing technology, collision-avoidance software and methods for air traffic controllers and pilots to detect and identify UAS.

DEPARTMENTS NOTIFIED

Police Department

Fire Department

City Attorney's Office

BILL STATUS

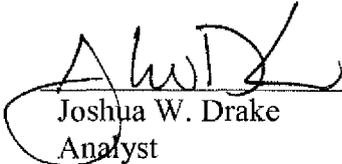
*SB 167*

02/05/2015	Bill introduced
02/19/2015	Referred to the Senate Committee on Rules
07/14/2015	From Committee with author's amendments. Read second time and amended. Re-referred to the Senate Committee on Rules

*SB 168*

02/05/2015	Bill introduced
02/19/2015	Referred to the Senate Committee on Rules

08/17/2015	From Committee with author's amendments. Read second time and amended. Re-referred to the Senate Committee on Rules
<i>SB 142</i>	
01/26/2015	Bill introduced
02/05/2015	Referred to the Senate Committee on the Judiciary
04/13/2015	From Committee: passed as amended (5-1)
05/04/2015	Passed in the Senate, referred to the Assembly
05/22/2015	Referred to the Assembly Committees on the Judiciary and Privacy & Consumer Protection
07/08/2015	From the Assembly Committee on Privacy & Consumer Protection: passed (11-0) and re-referred to the Assembly Committee on the Judiciary
07/14/2015	from the Committee on the Judiciary: passed (9-1)
07/15/2015	read second time. Ordered to third reading
<i>H.R. 3025</i>	
07/10/2015	Bill introduced, referred to the House Committee on the Judiciary
07/29/2015	Referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigations
<i>S. 1608</i>	
06/18/2015	Bill introduced, Sponsor introductory remarks on measure
06/18/2015	Read twice and referred to the Committee on Commerce, Science, and Transportation

  
 Joshua W. Drake  
 Analyst

SMT:jwd

Attachments: Resolution in support of SB 167 (Wesson - Englander - Martinez)  
 Resolution in support of SB 168 (Wesson - Englander - Martinez)  
 Resolution in support of SB 142 (Wesson - Englander - Martinez)  
 Resolution in support of S. 1608 (Wesson - Englander - Martinez)  
 Resolution in support of H.R. 3025 (Wesson - Englander - Martinez)  
 SB 167 (Gaines), SB 168 (Gaines), SB 142 (Jackson), H.R. 3025 (Cook), & S. 1608 (Feinstein)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Unmanned Aircraft Systems (UAS), often referred to as drones, have become more popular with hobbyists over recent years; and

WHEREAS, as the number of UAS have increased, so too have the uses people find for them; and

WHEREAS, recently, firefighters have reported seeing UAS flying over forest fires across the state; and

WHEREAS, UAS being operated over forest fires pose a threat to the safety of aircrews of manned firefighting aircraft, as a collision in midair with an UAS can cause a helicopter or air tanker to crash; and

WHEREAS, due to this threat to firefighter safety, fire departments across the state have been forced to stop or postpone air drops on fires, severely hampering fire suppression efforts; and

WHEREAS, SB 167 (Gaines) would address this public safety issue by making it a misdemeanor punishable by a fine of not less than \$200 and no more than \$2,000 to operate an UAS in a way that interferes with fire suppression activities; and

WHEREAS, in addition, an individual who knowingly or recklessly interferes with fire suppression efforts could be imprisoned for up to six months in county jail, assessed a fine of \$5,000, or both imprisoned and a fined; and

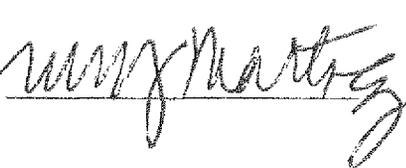
WHEREAS, SB 167 would ensure that firefighters are able to perform their duties without the additional safety concerns caused by the presence of UAS flying over fires;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for SB 167 (Gaines), which would make it a misdemeanor to use an unmanned aircraft system (UAS) in a way that interferes with the lawful efforts of a firefighter to extinguish a fire.

PRESENTED BY   
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

PRESENTED BY   
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

  
AUG 5 2015

SECONDED BY 

ORIGINAL

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Unmanned Aircraft, commonly referred to as drones, have become more popular with hobbyists over recent years, as they become cheaper and more technologically advanced; and

WHEREAS, recently, there have been numerous incidents of unmanned aircraft interfering with airborne firefighting operations at wildfire scenes across the state; and

WHEREAS, fire departments across the state have been forced to stop or postpone air drops on fires, severely hampering fire suppression efforts, due to the presence of unmanned aircraft; and

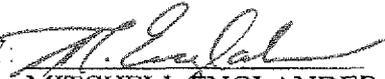
WHEREAS, unmanned aircraft pose a threat to the safety of aircrews of manned firefighting aircraft, and legislation is needed to enable public safety officials to disable unmanned aircraft that are interfering with firefighting operations; and

WHEREAS, SB 168 (Gaines) would address this public safety issue by indemnifying emergency personnel who disable or damage an unmanned aircraft in the course of their duties; and

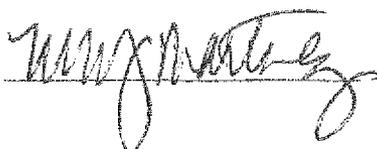
WHEREAS, SB 168 would ensure that firefighters and emergency personnel can take any steps necessary to clear the airspace over wildfires;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for SB 168 (Gaines), which would legally indemnify any emergency responder who damages an unmanned aircraft in the course of firefighting, air ambulance transport, or in search-and-rescue operations.

PRESENTED BY:   
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

PRESENTED BY:   
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

  
AUG 5 2015

SECONDED BY: 

ORIGINAL

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, unmanned aerial systems (UAS), also known as drones, have become popular with hobbyists over recent years; and

WHEREAS, users of UAS often fly these vehicles closely over other people's property, raising concerns about privacy; and

WHEREAS, UAS are often equipped with high definition cameras, capable of taking photos and videos of persons and their property from above, without any consent; and

WHEREAS, as technology changes and evolves, it is important for the law to keep pace; and

WHEREAS, SB 142 (Jackson) would define property rights to include the use of the airspace up to 350 feet above the underlying property; and

WHEREAS, SB 142 ensures that privacy rights are maintained, while still allowing hobbyists to fly their UAS above underlying property; and

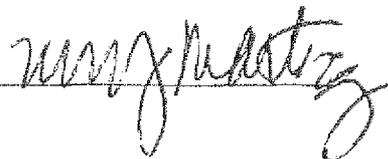
WHEREAS, SB 142 strikes the balance between the rights of property owners and the ability of individuals to fly their UAS in a safe and responsible manner;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for SB 142 (Jackson), which would define property rights in California to include the airspace up to an elevation of 350 feet above the underlying property, and would clarify that the operation of an unmanned aerial vehicle below that level over the property of another person could constitute trespassing.

PRESENTED BY:   
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

PRESENTED BY:   
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

  
AUG 5 2015

SECONDED BY: 

ORIGINAL

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, consumer Unmanned Aircraft Systems (UAS), also known as drones, are increasingly common in the United States; and

WHEREAS, currently, the use of these devices is not clearly regulated by the federal government; and

WHEREAS, consumer UAS are able to fly at very high altitudes, where commercial aircraft operate, but are not required to have anti-collision software or any other safety features, though this technology is already available; and

WHEREAS, consumer UAS operating in the same airspace as commercial aircraft pose a threat to aircraft, aircrews and passengers, as a collision between a commercial UAS and a manned aircraft can be incredibly dangerous; and

WHEREAS, S. 1608 (Feinstein) would direct the Federal Aviation Administration to regulate the use of commercial UAS; and

WHEREAS, S. 1608 would also require commercial UAS to be equipped with needed safety features; and

WHEREAS, S. 1608 would protect public safety and minimize the chances of a collision between a manned aircraft and a commercial UAS;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 Federal Legislative Program SUPPORT for S. 1608 (Feinstein), the Consumer Drone Safety Act, which would require safety features on consumer Unmanned Aircraft Systems (UAS) as well as strengthen federal laws governing the operation of consumer UAS.

PRESENTED BY:

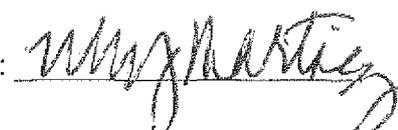
  
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

PRESENTED BY:

  
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

  
AUG 5 2015

SECONDED BY:



ORIGINAL

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Unmanned Aircraft Systems (UAS), often referred to as drones, have become more popular with hobbyists over recent years; and

WHEREAS, recently, firefighters have reported seeing drones flying near wildfire locations across the United States; and

WHEREAS, drones being operated over wildfires pose a threat to the safety of aircrews of manned firefighting aircraft, as a collision in midair with a drone can cause significant damage to manned aircraft; and

WHEREAS, due to the threat to firefighter safety posed by drones flying over wildfires, fire departments across the United States have been forced to stop or postpone air drops on fires, severely hampering fire suppression efforts; and

WHEREAS, H.R. 3025 (Cook) would make it a federal crime to launch a drone near a wildfire that threatens the real or personal property of the United States government, or a federal agency or department; and

WHEREAS, under H.R. 3025, an individual who uses a drone to recklessly interfere with fire suppression efforts would be fined and/or imprisoned for not more than five years; and

WHEREAS, H.R. 3025 would protect firefighters from the dangers posed by recklessly piloted drones near wildfires;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 Federal Legislative Program SUPPORT for H.R. 3025 (Cook), the Wildfire Airspace Protection Act of 2015, which would make it a crime to launch a drone in a place near a wildfire that threatens the real or personal property of the United States or any federal department or agency, if the drone interferes with firefighting efforts.

PRESENTED BY: Herb J. Wesson, Jr.  
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

PRESENTED BY: Mitchell Englander  
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

SECONDED BY: Wynne Matthews

AUG 5 2015  
jwd

2015  
AUG 5 11:00 AM  
CITY OF LOS ANGELES

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE JULY 14, 2015

SENATE BILL

No. 167

**Introduced by Senator ~~Senators~~ Gaines and Jackson**

(Principal coauthor: Assembly Member Gatto)

(Coauthors: ~~Senators Berryhill and Fuller~~ *Anderson, Bates, Berryhill, Cannella, Fuller, Huff, Leno, McGuire, Morrell, Nielsen, Roth, Runner, and Stone*)

(Coauthors: Assembly Members *Travis Allen, Bigelow, Brown, Chávez, Cooper, Dahle, Beth Gaines, and Obernolte* ~~*Jones, Lackey, Mathis, Mayes, Obernolte, and Rodriguez*~~)

February 5, 2015

An act to add Section ~~4167~~ 402.5 to the ~~Public Resources Penal~~ Code, relating to forest fires, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 167, as amended, Gaines. ~~Forest fires: Fires:~~ interference: unmanned aircraft.

~~Existing law prohibits specified behavior at forest fire sites, including disobeying the lawful orders of a public officer or firefighter or interfering with the lawful efforts of a firefighter to extinguish the fire, and makes this proscribed activity a misdemeanor, punishable by imprisonment in a county jail for not more than 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.~~

~~This bill would make it a misdemeanor to violate any of these provisions through the use or operation of an unmanned aircraft or unmanned aircraft system, punishable by a fine of not less than \$200 or not more than \$2,000, or to knowingly, intentionally, or recklessly~~

~~violate any of these provisions through the use or operation of an unmanned aircraft or unmanned aircraft system, punishable by imprisonment in a county jail for not more than 6 months, or by a fine of \$5,000, or by both that fine and imprisonment. By creating new crimes, the bill would impose a state-mandated local program.~~

*Existing law makes it a misdemeanor to engage in disorderly conduct that delays or prevents a fire from being timely extinguished or to resist or interfere with the lawful efforts of a firefighter in the discharge of an official duty. Existing law makes it a misdemeanor to impede police officers, firefighters, emergency personnel, or military personnel, in the performance of their duties in coping with an emergency.*

*This bill would make it unlawful to knowingly, intentionally, or recklessly operate an unmanned aircraft or unmanned aircraft system, as defined, in a manner that prevents or delays the extinguishment of a fire, or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire. The bill would make a violation of this prohibition punishable by imprisonment in a county jail not to exceed 6 months, by a fine not to exceed \$5,000, or by both that fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. ~~Section 4167 is added to the Public Resources~~
- 2 ~~Code, to read:~~
- 3 ~~4167. (a) Except as provided in subdivision (b), a person who~~
- 4 ~~violates this article through the use or operation of an unmanned~~
- 5 ~~aircraft or unmanned aircraft system is guilty of a misdemeanor,~~
- 6 ~~punishable by a fine of not less than two hundred dollars (\$200)~~
- 7 ~~or not more than two thousand dollars (2,000):~~

1 ~~(b) A person who knowingly, intentionally, or recklessly violates~~  
2 ~~this article through the use or operation of an unmanned aircraft~~  
3 ~~or unmanned aircraft system is guilty of a misdemeanor, punishable~~  
4 ~~by imprisonment in a county jail for not more than six months, or~~  
5 ~~by a fine of five thousand dollars (\$5,000), or by both that fine~~  
6 ~~and imprisonment.~~

7 ~~(c) For purposes of this section, “unmanned aircraft” means an~~  
8 ~~aircraft that is operated without the possibility of direct human~~  
9 ~~intervention from within or on the aircraft.~~

10 ~~(d) For purposes of this section, “unmanned aircraft system”~~  
11 ~~means an unmanned aircraft and associated elements, including,~~  
12 ~~but not limited to, communication links and the components that~~  
13 ~~control the unmanned aircraft that are required for the pilot in~~  
14 ~~command to operate safely and efficiently in the national airspace~~  
15 ~~system.~~

16 *SECTION 1. Section 402.5 is added to the Penal Code, to read:*

17 *402.5. (a) It is unlawful to knowingly, intentionally, or*  
18 *recklessly operate an unmanned aircraft or unmanned aircraft*  
19 *system in a manner that prevents or delays the extinguishment of*  
20 *a fire, or in any way interferes with the efforts of firefighters to*  
21 *control, contain, or extinguish a fire, including, but not limited to,*  
22 *efforts to control, contain, or extinguish the fire from the air. A*  
23 *violation of this section is punishable by imprisonment in a county*  
24 *jail not to exceed six months, by a fine not to exceed five thousand*  
25 *dollars (\$5,000), or by both that fine and imprisonment.*

26 *(b) (1) For purposes of this section, “unmanned aircraft” means*  
27 *an aircraft that is operated without the possibility of direct human*  
28 *intervention from within or on the aircraft.*

29 *(2) For purposes of this section, “unmanned aircraft system”*  
30 *means an unmanned aircraft and associated elements, including,*  
31 *but not limited to, communication links and the components that*  
32 *control the unmanned aircraft that are required for the individual*  
33 *in command to operate safely and efficiently in the national*  
34 *airspace system.*

35 *SEC. 2. No reimbursement is required by this act pursuant to*  
36 *Section 6 of Article XIII B of the California Constitution because*  
37 *the only costs that may be incurred by a local agency or school*  
38 *district will be incurred because this act creates a new crime or*  
39 *infraction, eliminates a crime or infraction, or changes the penalty*  
40 *for a crime or infraction, within the meaning of Section 17556 of*

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

4 SEC. 3. This act is an urgency statute necessary for the  
5 immediate preservation of the public peace, health, or safety within  
6 the meaning of Article IV of the Constitution and shall go into  
7 immediate effect. The facts constituting the necessity are:

8 To address the interference of unmanned aircraft with efforts to  
9 fight forest fires *and to keep fires from raging out of control* during  
10 ~~the current fire season~~; *this historic drought*, it is necessary that  
11 this act take effect immediately.

AMENDED IN SENATE AUGUST 17, 2015

SENATE BILL

No. 168

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**Introduced by Senator Gaines**  
*(Principal coauthor: Assembly Member Gatto)*  
*(Coauthor: Assembly Member Mayes)*

February 5, 2015

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An act to ~~amend Section 900 of the Insurance Code, relating to insurance;~~ *add Chapter 4.5 (commencing with Section 853) to Part 2 of Division 3.6 of Title 1 of the Government Code, relating to immunity from civil liability, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 168, as amended, ~~Gaines. Insurance: annual statements.~~ *Immunity from civil liability: emergency responders: unmanned aircraft systems.*

*The Government Claims Act sets forth the general procedure for the presentation of a claim as a prerequisite to the commencement of an action for money or damages against a "public entity" or a "public employee," and defines those terms for its purposes. The act prohibits liability against a public entity or public employee for, among other things, certain acts relating to the provision of fire protection and police and correctional activities, as specified.*

*This bill would further limit the exposure to liability by an emergency responder, defined to include a public entity, public employee, and an unpaid volunteer, as specified, for damages to an unmanned aircraft system, if the damage was caused while the emergency responder was performing specific emergency services and the unmanned aircraft system was interfering with the provision of those emergency services.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law provides for the regulation of insurers by the Insurance Commissioner. Existing law requires every insurer, each year on or before the first day of March, to make and file with the Insurance Commissioner statements exhibiting its condition and affairs as of the previous December 31.~~

~~This bill would make technical, nonsubstantive changes to that provision:~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 4.5 (commencing with Section 853) is  
2     added to Part 2 of Division 3.6 of Title 1 of the Government Code,  
3     to read:

4  
5                     CHAPTER 4.5. EMERGENCY RESPONDERS

6  
7     853. An emergency responder shall not be liable for any  
8     damage to an unmanned aircraft system, if the damage was caused  
9     while the emergency responder was providing, and the unmanned  
10    aircraft system was interfering with, the operation, support, or  
11    enabling of any of the following emergency services:

12    (a) Ambulance services, including, but not limited to, air  
13    ambulance services.

14    (b) Firefighting or firefighting-related services, including, but  
15    not limited to, air services related to firefighting or  
16    firefighting-related services.

17    (c) Search and rescue services, including, but not limited to,  
18    air search and rescue services.

19    853.5. The following definitions shall apply to this chapter:

20    (a) "Emergency responder" means a public entity, public  
21    employee, or an unpaid volunteer acting within the scope of  
22    authority implicitly or expressly provided by a public entity or  
23    public employee to respond to an emergency situation.

24    (b) "Unmanned aircraft" means an aircraft that is operated  
25    without the possibility of direct human intervention from within  
26    or on the aircraft.

1 (c) "Unmanned aircraft system" means an unmanned aircraft  
2 and associated elements, including, but not limited to,  
3 communication links and the components that control the  
4 unmanned aircraft that are required for the pilot in command to  
5 operate safely and efficiently in the national airspace system.

6 SEC. 2. This act is an urgency statute necessary for the  
7 immediate preservation of the public peace, health, or safety within  
8 the meaning of Article IV of the Constitution and shall go into  
9 immediate effect. The facts constituting the necessity are:

10 To protect emergency responders who are providing specific  
11 critical emergency services from potential civil liability relating  
12 to the new and increasing proliferation of unmanned aircraft  
13 systems that disrupt the provision of those emergency services, it  
14 is necessary that this act take effect immediately.

15 SECTION 1. ~~Section 900 of the Insurance Code is amended~~  
16 ~~to read:~~

17 900. (a) ~~Each year, on or before the first day of March, every~~  
18 ~~insurer doing business in this state shall make and file with the~~  
19 ~~commissioner, in the number, form, and by the methods prescribed~~  
20 ~~by the commissioner, statements exhibiting its condition and affairs~~  
21 ~~as of the previous December 31. If the first day of March falls on~~  
22 ~~a day other than a business day, the filing is due to the~~  
23 ~~commissioner by the first business day preceding the first day of~~  
24 ~~March.~~

25 (b) ~~Each year, on or before the following dates, every insurer~~  
26 ~~doing business in this state shall make and file with the~~  
27 ~~commissioner, in the number, form, and methods prescribed by~~  
28 ~~the commissioner, statements exhibiting its condition and affairs~~  
29 ~~for the period beginning on January 1 of the current calendar year~~  
30 ~~through the end of each quarter of the current year as described~~  
31 ~~below. These quarterly filings shall cover the period of time~~  
32 ~~beginning January 1 of the current year through and including the~~  
33 ~~last day of the quarter for which the report is being made. The first~~  
34 ~~quarter filing shall be filed with the commissioner on or before~~  
35 ~~May 15 of every year. The second quarter filing shall be filed with~~  
36 ~~the commissioner on or before August 15 of every year. The third~~  
37 ~~quarter filing shall be filed with the commissioner on or before~~  
38 ~~November 15 of every year. If any of these dates fall on a day~~

- 1 other than a business day, then the filing is due to the commissioner
- 2 by the first business day preceding that date.

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AMENDED IN ASSEMBLY JUNE 30, 2015

AMENDED IN ASSEMBLY JUNE 3, 2015

AMENDED IN SENATE APRIL 14, 2015

**SENATE BILL**

**No. 142**

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**Introduced by Senator Jackson**

*(Principal coauthor: Assembly Member Calderon)*

January 26, 2015

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An act to add Section 1708.83 to the Civil Code, *and to amend Section 21012 of the Public Utilities Code*, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 142, as amended, Jackson. Civil law: unmanned aerial vehicles.

Existing federal law, the FAA Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

~~Existing law imposes liability for physical invasion of privacy, if a person knowingly enters onto the land of another without permission or otherwise commits a trespass in order to capture any image or recording of the plaintiff engaging in a private activity and the invasion is offensive to a reasonable person.~~

~~This bill would define knowing entry upon the land of another also to include operation of an unmanned aerial vehicle below the navigable airspace overlaying the real property or operation of an unmanned aerial~~

~~vehicle less than 350 feet above ground level within the airspace overlaying the real property, without the consent of the landowner or without legal authority.~~

Existing law deems the detriment caused by wrongful occupation of real property to be the value of the use of the property for the time of the wrongful occupation, the reasonable cost of repair or restoration of the property, and the costs of recovering the possession.

This bill would extend liability for wrongful occupation of real property and damages to a person who operates an unmanned-aerial vehicle below the navigable airspace overlaying the real property or ~~operation of an unmanned aerial vehicle~~ *aircraft or unmanned aircraft system, as defined*, less than 350 feet above ground level within the airspace overlaying the real property, without the ~~consent of the landowner~~ *express permission of the person or entity with the legal authority to grant access* or without legal authority.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1708.83 is added to the Civil Code, to  
2 read:

3 ~~1708.83. (a) A person knowingly enters onto the land of~~  
4 ~~another person pursuant to subdivision (a) of Section 1708.8 if,~~  
5 ~~without the consent of the landowner or without legal authority,~~  
6 ~~he or she does either of the following:~~

7 ~~(1) Operates an unmanned aerial vehicle below the navigable~~  
8 ~~airspace, as defined in paragraph (32) of subsection (a) of Section~~  
9 ~~40102 of Title 49 of the United States Code, overlaying the real~~  
10 ~~property:~~

11 ~~(2) Operates an unmanned aerial vehicle less than 350 feet above~~  
12 ~~ground level within the airspace overlaying the real property.~~

13 ~~(b) A person wrongfully occupies real property and is liable for~~  
14 ~~damages pursuant to Section 3334 if, without the consent of the~~  
15 ~~landowner or without legal authority, he or she does either of the~~  
16 ~~following:~~

17 ~~(1) Operates an unmanned aerial vehicle below the navigable~~  
18 ~~airspace, as defined in paragraph (32) of subsection (a) of Section~~  
19 ~~40102 of Title 49 of the United States Code, overlaying the real~~  
20 ~~property:~~

1 ~~(2) Operates an unmanned aerial vehicle less than 350 feet above~~  
2 ~~ground level within the airspace overlaying the real property.~~

3 *1708.83. (a) A person wrongfully occupies real property and*  
4 *is liable for damages pursuant to Section 3334 if, without express*  
5 *permission of the person or entity with the legal authority to grant*  
6 *access or without legal authority, he or she operates an unmanned*  
7 *aircraft or unmanned aircraft system less than 350 feet above*  
8 *ground level within the airspace overlaying the real property.*

9 *(b) For purposes of this section:*

10 *(1) "Unmanned aircraft" means an aircraft that is operated*  
11 *without the possibility of direct human intervention from within*  
12 *or on the aircraft.*

13 *(2) "Unmanned aircraft system" means an unmanned aircraft*  
14 *and associated elements, including communication links and the*  
15 *components that control the unmanned aircraft, that are required*  
16 *for the pilot in command to operate safely and efficiently in the*  
17 *national airspace system.*

18 ~~(3)~~

19 *(c) This section shall not be construed to impair or limit any*  
20 *otherwise lawful activities of law enforcement personnel or*  
21 *employees of governmental agencies or other public or private*  
22 *entities that may have the right to enter land by operating an*  
23 ~~unmanned aerial vehicle~~ *unmanned aircraft or unmanned aircraft*  
24 *system within the airspace overlaying the real property of another,*  
25 *including the right to use private lands acquired pursuant to*  
26 *subdivision (d) of Section 1009.*

27 *(d) Nothing in this section is intended to limit the rights and*  
28 *defenses available at common law under a claim of liability for*  
29 *wrongful occupation of real property.*

30 *SEC. 2. Section 21012 of the Public Utilities Code is amended*  
31 *to read:*

32 *21012. "Aircraft" means any manned contrivance used or*  
33 *designed for navigation of, or flight in, the air requiring*  
34 *certification and registration as prescribed by federal statute or*  
35 *regulation. Notwithstanding the foregoing provisions of this*  
36 *section, manned lighter-than-air balloons and ultralight vehicles*  
37 *as defined in the regulations of the Federal Aviation Administration*  
38 *(14 C.F.R. Part 103), whether or not certificated by the Federal*  
39 *Aviation Administration, shall not be considered to be aircraft for*  
40 *purposes of this part. "Aircraft" shall not include an unmanned*

- 1 *aircraft that is operated without the possibility of direct human*
- 2 *intervention from within or on the aircraft.*

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114TH CONGRESS  
1ST SESSION

# H. R. 3025

To amend title 18, United States Code, to provide a criminal penalty for launching drones that interfere with fighting wildfires affecting Federal property, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2015

Mr. COOK introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide a criminal penalty for launching drones that interfere with fighting wildfires affecting Federal property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildfire Airspace Pro-  
5 tection Act of 2015”.

1 **SEC. 2. LAUNCHING DRONES THAT INTERFERE WITH**  
2 **FIGHTING WILDFIRES AFFECTING FEDERAL**  
3 **PROPERTY.**

4 (a) IN GENERAL.—Chapter 65 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 1370. Launching drones that interfere with fight-**  
8 **ing wildfires affecting Federal property**

9 “(a) OFFENSE.—Except as provided in subsection  
10 (b), whoever knowingly launches a drone in a place near  
11 a wildfire that threatens the real or personal property of  
12 the United States, or of any department or agency thereof,  
13 and is reckless as to whether that drone will interfere with  
14 fighting the fire, if the drone does interfere with that fire-  
15 fighting, shall be fined under this title or imprisoned not  
16 more than 5 years, or both.

17 “(b) DEFENSE.—It is a defense to a prosecution for  
18 an offense under this section that the drone was launched  
19 by a firefighter or other public safety officer acting in the  
20 course of official duty.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 for chapter 65 of title 18, United States Code, is amended  
23 by adding at the end the following new item:

“1370. Launching drones that interfere with fighting wildfires affecting Federal  
property.”.

○

114TH CONGRESS  
1ST SESSION

# S. 1608

To protect the safety of the national airspace system from the hazardous operation of consumer drones, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Mrs. FEINSTEIN (for herself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To protect the safety of the national airspace system from the hazardous operation of consumer drones, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Drone Safe-  
5 ty Act”.

6 **SEC. 2. SAFETY REQUIREMENTS FOR OPERATION OF CON-**  
7 **SUMER DRONES.**

8 (a) RULEMAKING.—For the purpose of allowing con-  
9 sumer drones to be operated without posing a danger to

1 manned aircraft, the Administrator shall publish a final  
2 rule not later than 18 months after the date of the enact-  
3 ment of this Act containing safety requirements applicable  
4 to the operation of consumer drones.

5 (b) APPLICABILITY.—The final rule required by sub-  
6 section (a) shall apply to consumer drones that—

- 7 (1) are flown for hobby or recreational use; and  
8 (2) are not operated in accordance with a com-  
9 munity-based set of safety guidelines and within the  
10 programming of a nationwide community-based or-  
11 ganization.

12 (c) REQUIREMENTS.—The final rule required by sub-  
13 section (a) shall include—

- 14 (1) a maximum altitude above ground level for  
15 flight of consumer drones;  
16 (2) circumstances or areas where flights are re-  
17 stricted because of the risk of unsafe interactions  
18 with manned aircraft, such as within an unsafe dis-  
19 tance from an airport or in the flight path of a  
20 manned aircraft;  
21 (3) circumstances or areas where flights are re-  
22 stricted because of the risk to persons or property  
23 on the ground, such as within an unsafe distance  
24 from urban areas, residential areas, electrical infra-

1 structure, transportation infrastructure, amusement  
2 parks, or public areas where spectators are present;

3 (4) conditions that may require limitations on  
4 flight, such as weather or time of day; and

5 (5) any other requirement that the Adminis-  
6 trator determines is necessary to minimize the risk  
7 that a consumer drone will collide with a manned  
8 aircraft or otherwise endanger the safety of the na-  
9 tional airspace system or persons and property on  
10 the ground.

11 **SEC. 3. SAFETY REQUIREMENTS FOR MANUFACTURERS OF**  
12 **CONSUMER DRONES.**

13 (a) RULEMAKING.—Not later than 18 months after  
14 the date of the enactment of this Act, the Administrator  
15 shall publish a final rule containing safety requirements  
16 applicable to consumer drones manufactured in, imported  
17 into, or sold in the United States.

18 (b) REQUIREMENTS.—The final rule required by sub-  
19 section (a) shall include—

20 (1) limitations on altitude for consumer drones,  
21 whether through software or other technological  
22 means;

23 (2) a means of preventing unauthorized oper-  
24 ation within an unsafe distance from an airport or  
25 in protected airspace;

1           (3) a system that, through sensors and software  
2 or other similar means, enables avoidance of colli-  
3 sions;

4           (4) a technological means to maintain safety in  
5 the event that a communications link between a con-  
6 sumer drone and its operator is lost or compromised,  
7 such as by ensuring that the drone autonomously  
8 lands safely in a particular location;

9           (5) a requirement that a consumer drone be de-  
10 tectable and identifiable to pilots and air traffic con-  
11 trollers, including through the use of an identifica-  
12 tion number and a transponder or similar technology  
13 to convey the drone's location and altitude;

14           (6) a means to prevent tampering with or modi-  
15 fication of any system, limitation, or other safety  
16 mechanism required by the Administrator under this  
17 section or any other provision of law, including a  
18 means to identify any tampering or modification  
19 that has been made;

20           (7) educational materials to be provided to a  
21 consumer who purchases a consumer drone; and

22           (8) such other requirements as the Adminis-  
23 trator considers necessary to ensure the safety of the  
24 national airspace system.

25           (e) UPDATING EXISTING CONSUMER DRONES.—

1           (1) IN GENERAL.—The final rule required by  
2 subsection (a) shall require modification, at the  
3 manufacturer’s expense, of any consumer drone that  
4 was commercially distributed before the publication  
5 of the rule so that, to the greatest extent prac-  
6 ticable, such consumer drones meet the requirements  
7 prescribed under the rule.

8           (2) REQUIREMENTS FOR CONSUMER DRONES  
9 THAT CANNOT BE FULLY UPDATED.—If any con-  
10 sumer drone cannot be modified as described in  
11 paragraph (1), the Administrator may authorize the  
12 operation of the consumer drone in accordance with  
13 subsection (d).

14           (3) NOTIFICATION.—The final rule required by  
15 subsection (a) shall include provisions to publicize  
16 and notify the owners of consumer drones of the  
17 modifications required by paragraph (1) and of the  
18 manufacturer’s responsibility to pay for the modi-  
19 fications.

20           (d) LIMITED EXEMPTIONS PERMITTED.—In the final  
21 rule required by subsection (a), the Administrator may ex-  
22 empt a type of consumer drone, by virtue of its size,  
23 weight, operational capabilities, technological capabilities,  
24 or other characteristic, from a requirement under sub-  
25 section (b) only if—

1 (1) complying with that requirement is techno-  
2 logically infeasible or cost-prohibitive for the type of  
3 consumer drone;

4 (2) exempting the type of consumer drone from  
5 the requirement does not create a hazard to users of  
6 the national airspace system or the public or pose a  
7 threat to national security;

8 (3) the Administrator establishes requirements  
9 for the safe operation of the consumer drone in the  
10 national airspace system; and

11 (4) the Administrator makes a determination  
12 under section 4(b) with respect to such exemption.

13 **SEC. 4. SAFETY DETERMINATION REQUIRED TO AUTHOR-**  
14 **IZE OPERATION OF CONSUMER DRONES.**

15 (a) **CODIFICATION OF EXISTING FEDERAL AVIATION**  
16 **ADMINISTRATION POLICY.**—No person may operate a con-  
17 sumer drone in the national airspace system without spe-  
18 cific authority from the Federal Aviation Administration.

19 (b) **SAFETY DETERMINATION REQUIRED BEFORE**  
20 **ISSUANCE OF SPECIFIC AUTHORITY.**—The Administrator  
21 may not provide any form of specific authority for the op-  
22 eration of a consumer drone in the national airspace sys-  
23 tem without—

24 (1) making a determination, following an eval-  
25 uation of all foreseeable safety or operational risks,

1 including risks arising from potential malfunctions,  
2 that providing such authority does not endanger the  
3 safety of the national airspace system or any indi-  
4 vidual; and

5 (2) documenting that determination and the  
6 reasons for that determination in writing.

7 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
8 tion shall be construed to terminate any specific authority  
9 provided by the Administrator.

10 **SEC. 5. CLARIFICATIONS OF AGENCY AUTHORITY.**

11 (a) CLARIFICATION OF ENFORCEMENT AUTHOR-  
12 ITY.—

13 (1) CIVIL PENALTIES.—The Administrator may  
14 impose a civil penalty under section 46301 of title  
15 49, United States Code, for a violation of this Act  
16 or a regulation prescribed or order or specific au-  
17 thority issued under this Act in the same manner  
18 and to the same extent as the Administrator may  
19 impose a penalty under such section 46301 for a vio-  
20 lation of chapter 447 of such title (other than a vio-  
21 lation of sections 44719 through 44723 of such  
22 chapter).

23 (2) RULE OF CONSTRUCTION WITH RESPECT TO  
24 EXISTING AUTHORITY.—Nothing in this subsection  
25 shall be construed to limit the authority of the Ad-

1 administrator to pursue an enforcement action for a  
2 violation of this Act, a regulation prescribed or order  
3 or authority issued under this Act, or any other ap-  
4 plicable provision of law or regulation.

5 (b) SUNSET OF PRIOR SPECIFIC AUTHORITY.—Be-  
6 ginning on the date that is 120 days after the date of  
7 the enactment of this Act, Federal Aviation Administra-  
8 tion Advisory Circular 91–57, issued June 9, 1981, shall  
9 not be construed to authorize the operation of any con-  
10 sumer drone for recreational or hobby purposes that does  
11 not comply with the standards specified in paragraphs (1)  
12 through (5) of section 336(a) of the FAA Modernization  
13 and Reform Act of 2012 (Public Law 112–95; 49 U.S.C.  
14 40101 note).

15 (c) IMPORT ENFORCEMENT.—The Commissioner of  
16 U.S. Customs and Border Protection may use existing au-  
17 thority to enforce restrictions on the importation of con-  
18 sumer drones into the United States pursuant to the final  
19 rule required by section 3(a).

20 (d) RULE OF CONSTRUCTION.—Nothing in this Act  
21 shall be construed to limit the authority of the Adminis-  
22 trator to regulate the operation of consumer drones or to  
23 pursue enforcement action against persons operating con-  
24 sumer drones who endanger the safety of the national air-  
25 space system.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of the Federal  
5 Aviation Administration.

6 (2) AUTOMATIC STABILIZATION SYSTEM.—

7 (A) IN GENERAL.—The term “automatic  
8 stabilization system” means any system that  
9 has the capability to maintain stable flight  
10 (such as maintaining hover altitude, heading, or  
11 altitude control) without an operator providing  
12 control input, such as a system that coordinates  
13 the operation of any combination of—

14 (i) elements of the propulsion system  
15 of an aircraft, including any rotor or pro-  
16 peller; or

17 (ii) the flight control surfaces of an  
18 aircraft, including any aileron, elevator,  
19 rudder, spoiler, flap, slat, or air brake.

20 (B) INCLUSION.—Any rotorcraft utilizing  
21 4 rotors and any aircraft that is capable of au-  
22 tonomous flight shall be considered to be using  
23 an automatic stabilization system.

24 (3) CIVIL.—The term “civil”, with respect to an  
25 unmanned aircraft system, means that the un-

1       manned aircraft is not a public aircraft (as defined  
2       in section 40102 of title 49, United States Code).

3       (4) CONSUMER DRONE.—

4             (A) IN GENERAL.—The term “consumer  
5       drone” means a civil unmanned aircraft or a  
6       civil unmanned aircraft system that—

7             (i) is—

8                 (I) equipped with an automatic  
9                 stabilization system; or

10                (II) capable of providing a video  
11                signal allowing operation beyond the  
12                visual line of sight of the operator;

13             (ii) is manufactured and intended for  
14             commercial distribution; and

15             (iii) weighs 55 pounds or less or is  
16             certified as described in section 336(a)(3)  
17             of the FAA Modernization and Reform Act  
18             of 2012 (Public Law 112–95; 49 U.S.C.  
19             40101 note).

20             (B) INCLUSION.—The term “consumer  
21       drone” includes a kit of component parts that  
22       would be a consumer drone if the kit were as-  
23       sembled prior to commercial distribution.

24       (5) NATIONWIDE COMMUNITY-BASED ORGANI-  
25       ZATION.—The term “nationwide community-based

1 organization” means a membership-based associa-  
2 tion that—

3 (A) represents the aeromodeling commu-  
4 nity within the United States;

5 (B) provides its members a comprehensive  
6 set of safety guidelines that underscore safe  
7 aeromodeling operations within the national air-  
8 space system and the protection and safety of  
9 the general public on the ground;

10 (C) develops and maintains mutually sup-  
11 portive programming with educational institu-  
12 tions, government entities, and other aviation  
13 associations; and

14 (D) acts as a liaison with government  
15 agencies and as an advocate for its members.

16 (6) PROTECTED AIRSPACE.—The term “pro-  
17 tected airspace” includes the following types of air-  
18 space:

19 (A) Special use airspace under part 73 of  
20 title 14, Code of Federal Regulations (or any  
21 corresponding similar regulation or ruling), in-  
22 cluding prohibited airspace under subpart C of  
23 such part.

24 (B) Any other airspace the Administrator  
25 considers appropriate.

1           (7) SPECIFIC AUTHORITY.—The term “specific  
2 authority” means a certificate of authorization, spe-  
3 cial airworthiness certificate, authorization issued  
4 under section 333 of the FAA Modernization and  
5 Reform Act of 2012 (Public Law 112–95; 49 U.S.C.  
6 40101 note), rule, regulation, policy statement, advi-  
7 sory circular, or any other form of permit or author-  
8 ization issued by the Federal Aviation Administra-  
9 tion for operation of a consumer drone in the na-  
10 tional airspace system, including—

11           (A) Federal Aviation Administrator Advi-  
12 sory Circular 91–57 (relating to model aircraft  
13 operating standards) and subsequent versions  
14 thereof;

15           (B) the notice of policy on unmanned air-  
16 craft operations in the national airspace system  
17 of the Federal Aviation Administration (Docket  
18 No. FAA–2006–25714); or

19           (C) the notice of interpretation of the spe-  
20 cial rule for model aircraft of the Federal Avia-  
21 tion Administration (Docket No. FAA–2014–  
22 0396).

23           (8) UNMANNED AIRCRAFT; UNMANNED AIR-  
24 CRAFT SYSTEM.—The terms “unmanned aircraft”  
25 and “unmanned aircraft system” have the meanings

1 given those terms in section 331 of the FAA Mod-  
2 ernization and Reform Act of 2012 (Public Law  
3 112–95; 49 U.S.C. 40101 note).

4 **SEC. 7. CONFORMING AMENDMENT.**

5 Section 336(a)(2) of the FAA Modernization and Re-  
6 form Act of 2012 (Public Law 112–95; 49 U.S.C. 40101  
7 note) is amended by inserting “(as defined in section 6  
8 of the Consumer Drone Safety Act)” after “nationwide  
9 community-based organization”.

○