

MOCK-UP

PROPOSED AMENDMENT 6998 TO
ASSEMBLY BILL NO. 239
SECOND REPRINT

PREPARED FOR ASSEMBLYMAN ELLIOT ANDERSON
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PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 493 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 22, inclusive, of this act.
3 **Sec. 2.** (Deleted by amendment.)
4 **Sec. 3.** (Deleted by amendment.)
5 **Sec. 4.** (Deleted by amendment.)
6 **Sec. 5.** (Deleted by amendment.)
7 **Sec. 6.** (Deleted by amendment.)
8 **Sec. 7.** (Deleted by amendment.)
9 **Sec. 8.** (Deleted by amendment.)
10 **Sec. 9.** (Deleted by amendment.)
11 **Sec. 10.** (Deleted by amendment.)
12 **Sec. 11.** (Deleted by amendment.)
13 **Sec. 12.** (Deleted by amendment.)
14 **Sec. 13.** (Deleted by amendment.)
15 **Sec. 14.** (Deleted by amendment.)
16 **Sec. 15.** (Deleted by amendment.)
17 **Sec. 16.** (Deleted by amendment.)

1 **Sec. 17.** (Deleted by amendment.)

2 **Sec. 18. 1.** *A person shall not weaponize an unmanned aerial*
3 *vehicle or operate a weaponized unmanned aerial vehicle. A person who*
4 *violates this section is guilty of a category D felony and shall be punished*
5 *as provided in NRS 193.130.*

6 **2.** *A person who weaponizes an unmanned aerial vehicle in*
7 *violation of subsection 1 and who discharges the weapon is guilty of a*
8 *category C felony and shall be punished as provided in*
9 *NRS 193.130.*

10 **Sec. 18.5. 1.** *A person shall not operate an unmanned aerial*
11 *vehicle within:*

12 **(a)** *A horizontal distance of 500 feet or a vertical distance of 250 feet*
13 *from a critical facility without the written consent of the owner of the*
14 *critical facility.*

15 **(b)** *Except as otherwise provided in subsection 2, 5 miles of an*
16 *airport.*

17 **2.** *A person may operate an unmanned aerial vehicle within 5 miles*
18 *of an airport only if the person obtains the consent of the airport*
19 *authority or the operator of the airport, or if the person has otherwise*
20 *obtained a waiver, exemption or other authorization for such operation*
21 *pursuant to any rule or regulation of the Federal Aviation*
22 *Administration. A person who is authorized to operate an unmanned*
23 *aerial vehicle within 5 miles of an airport pursuant to this subsection*
24 *shall, at all times during such operation, maintain on his or her person*
25 *documentation of any waiver, exemption, authorization or consent*
26 *permitting such operation.*

27 **3.** *A person who violates this section is guilty of a misdemeanor.*

28 **4.** *As used in this section, "airport" means any area of land or water*
29 *owned, operated or maintained by or on behalf of a city, county, town,*
30 *municipal corporation or an airport authority that is designed and set*
31 *aside for the landing and taking off of aircraft and that is utilized in the*
32 *interest of the public for such purposes.*

33 **Sec. 19. 1.** *Except as otherwise provided in subsection 2, a person*
34 *who owns or lawfully occupies real property in this State may bring an*
35 *action for trespass against the owner or operator of an unmanned aerial*
36 *vehicle that is flown at a height of less than 250 feet over the property if:*

37 **(a)** *The owner or operator of the unmanned aerial vehicle has flown*
38 *the unmanned aerial vehicle over the property at a height of less than*
39 *250 feet on at least one previous occasion; and*

40 **(b)** *The person who owns or occupies the real property notified the*
41 *owner or operator of the unmanned aerial vehicle that the person did not*
42 *authorize the flight of the unmanned aerial vehicle over the property at a*
43 *height of less than 250 feet. For the purposes of this paragraph, a person*
44 *may place the owner or operator of an unmanned aerial vehicle on*
45 *notice in the manner prescribed in subsection 2 of NRS 207.200.*

1 2. A person may not bring an action pursuant to subsection 1 if:
2 (a) The unmanned aerial vehicle is lawfully in the flight path for
3 landing at an airport, airfield or runway.
4 (b) The unmanned aerial vehicle is in the process of taking off or
5 landing.
6 (c) The unmanned aerial vehicle was under the lawful operation of
7 ~~the~~ (1) A law enforcement agency in accordance with section 20 of
8 this act.
9 (2) A public agency in accordance with section 21 of this act.
10 (d) The unmanned aerial vehicle was under the lawful operation of a
11 business licensed in this State or a land surveyor if:
12 (1) The operator is licensed or otherwise approved to operate the
13 unmanned aerial vehicle by the Federal Aviation Administration;
14 (2) The unmanned aerial vehicle is being operated within the
15 scope of the lawful activities of the business or surveyor; and
16 (3) The operation of the unmanned aerial vehicle does not
17 unreasonably interfere with the existing use of the real property.
18 3. A plaintiff who prevails in an action for trespass brought
19 pursuant to subsection 1 is entitled to recover treble damages for any
20 injury to the person or the real property as the result of the trespass. In
21 addition to the recovery of damages pursuant to this subsection, a
22 plaintiff may be awarded reasonable attorney's fees and costs and
23 injunctive relief.
24 **Sec. 20. 1.** Except as otherwise provided in this section, nothing
25 in this section shall be deemed to otherwise prohibit the operation of an
26 unmanned aerial vehicle by a law enforcement agency for any lawful
27 purpose in this State.
28 2. Except as otherwise provided in subsection 3, a law enforcement
29 agency shall not operate an unmanned aerial vehicle for the purpose of
30 gathering evidence or other information within the curtilage of a
31 residence or at any other location or upon any property in this State at
32 which a person has a reasonable expectation of privacy, unless the law
33 enforcement agency first obtains a warrant from a court of competent
34 jurisdiction authorizing the use of the unmanned aerial vehicle for that
35 purpose. A warrant authorizing the use of an unmanned aerial vehicle
36 must specify the period for which operation of the unmanned aerial
37 vehicle is authorized. A warrant must not authorize the use of an
38 unmanned aerial vehicle for a period of more than 10 days. Upon motion
39 and a showing of probable cause, a court may renew a warrant after the
40 expiration of the period for which the warrant was initially issued.
41 3. A law enforcement agency may operate an unmanned aerial
42 vehicle without obtaining a warrant issued pursuant to subsection 2:
43 (a) If the law enforcement agency has probable cause to believe that
44 a person has committed a crime, is committing a crime or is about to
45

1 *commit a crime, and exigent circumstances exist that make it*
2 *unreasonable for the law enforcement agency to obtain a warrant*
3 *authorizing the use of the unmanned aerial vehicle.*

4 *(b) If a person provides written consent to the law enforcement*
5 *agency authorizing the law enforcement agency to acquire information*
6 *about the person or the real or personal property of the person. The*
7 *written consent must specify the information to be gathered and the time,*
8 *place and manner in which the information is to be gathered by the law*
9 *enforcement agency.*

10 *(c) For the purpose of conducting search and rescue operations for*
11 *persons and property in distress.*

12 *(d) Under circumstances in which the law enforcement agency*
13 *believes that an imminent threat exists to the life and safety of an*
14 *individual person or to the public at large, including, without limitation,*
15 *the threat of an act of terrorism. A law enforcement agency that operates*
16 *an unmanned aerial vehicle pursuant to this paragraph shall document*
17 *the factual basis for its belief that such an imminent threat exists and*
18 *shall, not later than 2 business days after initiating operation, file a*
19 *sworn statement with a court of competent jurisdiction describing the*
20 *nature of the imminent threat and the need for the operation of the*
21 *unmanned aerial vehicle.*

22 *(e) Upon the declaration of a state of emergency or disaster by the*
23 *Governor. A law enforcement agency that operates an unmanned aerial*
24 *vehicle pursuant to this paragraph shall not use the unmanned aerial*
25 *vehicle outside of the geographic area specified in the declaration or for*
26 *any purpose other than the preservation of public safety, the protection*
27 *of property, or the assessment and evaluation of environmental or*
28 *weather-related damage, erosion or contamination.*

29 *4. Any photograph, image, recording or other information that is*
30 *acquired by a law enforcement agency through the operation of an*
31 *unmanned aerial vehicle in violation of this section, or that is acquired*
32 *from any other person or governmental entity, including, without*
33 *limitation, a public agency and any department or agency of the Federal*
34 *Government, that obtained the photograph, image, recording or other*
35 *information in a manner inconsistent with the requirements of this*
36 *section, and any evidence that is derived therefrom:*

37 *(a) Is not admissible in and must not be disclosed in a judicial,*
38 *administrative or other adjudicatory proceeding; and*

39 *(b) May not be used to establish reasonable suspicion or probable*
40 *cause as the basis for investigating or prosecuting a crime or offense.*

41 **Sec. 21. 1. A public agency:**

42 *(a) May operate an unmanned aerial vehicle only if:*

43 *(1) Before the operation of the unmanned aerial vehicle, the*
44 *public agency registers the unmanned aerial vehicle with the Department*
45 *pursuant to subsection 2 of section 22 of this act.*

1 (2) *The public agency operates the unmanned aerial vehicle in*
2 *accordance with the regulations adopted by the Department pursuant to*
3 *subsection 4 of section 22 of this act.*

4 (b) *Must not operate an unmanned aerial vehicle for the purposes of*
5 *assisting a law enforcement agency with law enforcement or conducting*
6 *a criminal prosecution.*

7 2. *Any photograph, image, recording or other information that is*
8 *acquired by a public agency through the operation of an unmanned*
9 *aerial vehicle in violation of this section, and any evidence that is derived*
10 *therefrom:*

11 (a) *Is not admissible in, and must not be disclosed in, a judicial,*
12 *administrative or other adjudicatory proceeding; and*

13 (b) *May not be used to establish reasonable suspicion or probable*
14 *cause as the basis for investigating or prosecuting a crime or offense.*

15 **Sec. 22.** 1. *The Department shall, to the extent that money is*
16 *available for this purpose, establish and maintain a registry of*
17 *unmanned aerial vehicles that are operated by public agencies in this*
18 *State. The Department shall include on its Internet website the*
19 *information that is maintained in the registry.*

20 2. *A public agency shall, for each unmanned aerial vehicle the*
21 *public agency intends to operate, submit to the Department, on a form*
22 *provided by the Department, for inclusion in the registry:*

23 (a) *The name of the public agency;*

24 (b) *The name and contact information of each operator of the*
25 *unmanned aerial vehicle;*

26 (c) *Sufficient information to identify the unmanned aerial vehicle;*
27 *and*

28 (d) *A statement describing the use of the unmanned aerial vehicle by*
29 *the public agency.*

30 3. *The Department shall, on or before February 1 of each year,*
31 *prepare and submit to the Director of the Legislative Counsel Bureau for*
32 *submission to the Legislature, or to the Legislative Commission when the*
33 *Legislature is not in regular session, a report outlining the activities of*
34 *public agencies with respect to the operation of unmanned aerial*
35 *vehicles in this State.*

36 4. *The Department shall adopt regulations prescribing the public*
37 *purposes for which a public agency may operate an unmanned aerial*
38 *vehicle that is registered with the Department pursuant to this section,*
39 *including, without limitation:*

40 (a) *The provision of fire services.*

41 (b) *The provision of emergency medical services.*

42 (c) *The protection of a critical facility that is public property.*

43 (d) *Search and rescue operations conducted for persons and property*
44 *in distress.*

1 **Sec. 22.5.** NRS 493.010 is hereby amended to read as follows:
2 493.010 NRS 493.010 to 493.120, inclusive, *and sections 18 to 22,*
3 *inclusive, of this act* may be cited as the Uniform State Law for
4 Aeronautics.

5 **Sec. 23.** NRS 493.020 is hereby amended to read as follows:
6 493.020 As used in NRS 493.010 to 493.120, inclusive, *and sections*
7 *18 to 22, inclusive, of this act*, unless the context otherwise requires:

8 1. "Aircraft" includes *a* balloon, airplane, hydroplane , *unmanned*
9 *aerial vehicle* and any other vehicle used for navigation through the air. A
10 hydroplane, while at rest on water and while being operated on or
11 immediately above water, is governed by the rules regarding water
12 navigation. A hydroplane while being operated through the air other than
13 immediately above water, is an aircraft.

14 2. "*Critical facility*" means *a petroleum refinery, a petroleum or*
15 *chemical production, transportation, storage or processing facility, a*
16 *chemical manufacturing facility, a wastewater treatment facility, a*
17 *pipeline and any appurtenance thereto, a water treatment facility, a mine*
18 *as that term is defined in subsection 5 of NRS 512.006, a power*
19 *generating station, plant or substation and any appurtenances thereto,*
20 *any transmission line that is owned in whole or in part by an electric*
21 *utility as that term is defined in subsection 5 of NRS 704.187, a county,*
22 *city or town jail or detention facility and any prison, facility or institution*
23 *under the control of the Department of Corrections.*

24 3. "*Department*" means *the Department of Public Safety.*

25 4. "*Law enforcement agency*" means *an agency, office, bureau,*
26 *board, commission, department or division of this State or a political*
27 *subdivision of this State, the primary duty of which is to enforce the law.*

28 5. "Operator" includes aviator, pilot, balloonist and any other person
29 having any part in the operation of aircraft while in flight.

30 ~~3~~ 6. "Passenger" includes any person riding in an aircraft, but
31 having no part in its operation.

32 7. "*Public agency*" means *an agency, office, bureau, board,*
33 *commission, department or division of this State or a political*
34 *subdivision of this State other than a law enforcement agency.*

35 8. "*Unmanned aerial vehicle*" means *a powered aircraft of any size*
36 *without a human operator aboard the vehicle and that is operated*
37 *remotely or autonomously.*

38 **Sec. 24.** (Deleted by amendment.)

39 **Sec. 24.2.** NRS 493.050 is hereby amended to read as follows:

40 493.050 1. Flight ~~is~~ *of an* aircraft over the lands and waters of this
41 state is lawful:

42 (a) Unless at such a low altitude as to interfere with the then existing
43 use to which the land or water, or the space over the land or water, is put
44 by the owner.

1 (b) Unless so conducted as to be imminently dangerous to persons or
2 property lawfully on the land or water beneath.

3 (c) *Unless specifically prohibited by the provisions of NRS 493.010 to*
4 *493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any*
5 *regulations adopted pursuant thereto.*

6 2. The landing of an aircraft on the lands or waters of another,
7 without his or her consent, is unlawful, except in the case of a forced
8 landing. For damages caused by a forced landing, the owner, lessee or
9 operator of the aircraft is liable as provided in NRS 493.060.

10 **Sec. 24.4.** NRS 493.100 is hereby amended to read as follows:

11 493.100 **1.** Any operator or passenger, while *an aircraft is* in flight
12 over a heavily populated area or over a public gathering within this state,
13 who:

14 ~~1. Engages~~

15 (a) *Except as otherwise provided in subsection 2, engages* in trick or
16 acrobatic flying, or in any acrobatic feat;

17 ~~2.~~ (b) Except while in landing or taking off, flies at such a low level
18 as to endanger the persons on the surface beneath; or

19 ~~3.~~ (c) Drops any object ~~except loose water or loose sand ballast,~~
20 *with reckless disregard for the safety of other persons and willful*
21 *indifference to injuries that could reasonably result from dropping the*
22 *object,*

23 ↪ is guilty of a misdemeanor.

24 **2.** *The provisions of paragraph (a) of subsection 1 do not apply to*
25 *the operator of an unmanned aerial vehicle in a park unless the operator*
26 *is operating the unmanned aerial vehicle with reckless disregard for the*
27 *safety of other persons and with willful indifference to injuries that could*
28 *reasonably result from such operation.*

29 **Sec. 24.6.** NRS 493.120 is hereby amended to read as follows:

30 493.120 NRS 493.010 to 493.120, inclusive, *and sections 18 to 22,*
31 *inclusive, of this act* shall be so interpreted and construed as to effectuate
32 their general purpose to make uniform the law of those states which enact
33 them, and to harmonize, as far as possible, with federal laws and
34 regulations on the subject of aeronautics. They shall not be interpreted or
35 construed to apply in any manner to aircraft owned and operated by the
36 Federal Government.

37 **Sec. 24.8.** NRS 493.130 is hereby amended to read as follows:

38 493.130 **1.** Any person operating an aircraft in the air, or on the
39 ground or water:

40 ~~1.~~ (a) While under the influence of intoxicating liquor or a controlled
41 substance, unless in accordance with a lawfully issued prescription; or

42 ~~2.~~ (b) In a careless or reckless manner so as to endanger the life or
43 property of another,

44 ↪ is guilty of a gross misdemeanor.

45 **2.** *As used in this section:*

1 (a) "Aircraft" includes an unmanned aerial vehicle as that term is
2 defined in subsection 8 of NRS 493.020.

3 (b) "Controlled substance" has the meaning ascribed to it in 21
4 U.S.C. § 802(6).

5 (c) "Prescription" has the meaning ascribed to it in
6 NRS 453.128.

7 **Sec. 25.** The provisions of subsection 1 of NRS 218D.380 do not
8 apply to any provision of this act which adds or revises a requirement to
9 submit a report to the Legislature.

10 **Sec. 26.** This act becomes effective:

11 1. Upon passage and approval for the purpose of adopting regulations
12 and performing any other preparatory administrative tasks necessary to
13 carry out the provisions of this act; and

14 2. On October 1, 2015, for all other purposes.

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