

Amendment No. 326

Senate Amendment to Senate Bill No. 11	(BDR 44-370)
<b>Proposed by:</b> Senate Committee on Growth and Infrastructure	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

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.

HAC



Date: 4/16/2023

S.B. No. 11—Requires the Department of Public Safety to adopt regulations authorizing a public agency to use unmanned aerial vehicles for certain purposes. (BDR 44-370)





SENATE BILL NO. 11—COMMITTEE ON  
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE NEVADA LEAGUE OF  
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

SUMMARY—Requires the Department of Public Safety to adopt certain regulations ~~authorizing a public agency~~ relating to ~~use~~ unmanned aerial vehicles. ~~For certain purposes.~~ (BDR 44-370)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to unmanned aerial vehicles; requiring the Department of Public Safety to adopt certain regulations ~~authorizing the use of~~ relating to unmanned aerial vehicles; ~~for certain purposes;~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law governs the usage of unmanned aerial vehicles by the State and its political subdivisions and private citizens. (NRS 493.103-493.118) A public agency other than a law enforcement agency may, for specified public purposes prescribed in regulations adopted by the Department of Public Safety, employ an unmanned aerial vehicle that has been registered with the Department. (NRS 493.118; NAC 493.100) ~~This bill~~ Section 1.7 of this bill requires the Department to adopt regulations to establish: (1) a list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and (2) a list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire. Sections 1 and 1.3 of this bill prohibit a public agency or law enforcement agency from operating, purchasing or acquiring any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department.

Section 1.7 requires the Department to adopt regulations to : (1) authorize ~~as public purposes for which~~ a public agency ~~may operate a registered unmanned aerial vehicle: (1)~~ to conduct scheduled inspections ~~conducted~~ to ensure compliance with building and fire codes and laws, ordinances, regulations and rules adopting or establishing building and fire codes; ~~and~~ (2) ~~inspections of public works and other real property in which the public agency has a property interest.~~ prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during the scheduled inspection; and (3) provide that if a photograph, image or recording or other information is collected through the operation of an unmanned aerial vehicle during a

25 scheduled inspection, such photograph, image, recording or other information is not  
26 admissible and must not be disclosed in any proceeding other than a proceeding relating  
27 to the purpose of the scheduled inspection.

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

**Section 1. NRS 493.112 is hereby amended to read as follows:**

1 493.112 1. Except as otherwise provided in this section, nothing in this  
2 section shall be deemed to otherwise prohibit the operation of an unmanned aerial  
3 vehicle by a law enforcement agency for any lawful purpose in this State.

4 2. Except as otherwise provided in subsection 3, a law enforcement agency  
5 shall not operate an unmanned aerial vehicle for the purpose of gathering evidence  
6 or other information within the curtilage of a residence or at any other location or  
7 upon any property in this State at which a person has a reasonable expectation of  
8 privacy, unless the law enforcement agency first obtains a warrant from a court of  
9 competent jurisdiction authorizing the use of the unmanned aerial vehicle for that  
10 purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify  
11 the period for which operation of the unmanned aerial vehicle is authorized. A  
12 warrant must not authorize the use of an unmanned aerial vehicle for a period of  
13 more than 10 days. Upon motion and a showing of probable cause, a court may  
14 renew a warrant after the expiration of the period for which the warrant was  
15 initially issued.

16 3. A law enforcement agency may operate an unmanned aerial vehicle  
17 without obtaining a warrant issued pursuant to subsection 2:

18 (a) If the law enforcement agency has probable cause to believe that a person  
19 has committed a crime, is committing a crime or is about to commit a crime, and  
20 exigent circumstances exist that make it unreasonable for the law enforcement  
21 agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

22 (b) If a person provides written consent to the law enforcement agency  
23 authorizing the law enforcement agency to acquire information about the person or  
24 the real or personal property of the person. The written consent must specify the  
25 information to be gathered and the time, place and manner in which the information  
26 is to be gathered by the law enforcement agency.

27 (c) For the purpose of conducting search and rescue operations for persons and  
28 property in distress.

29 (d) Under circumstances in which the law enforcement agency believes that an  
30 imminent threat exists to the life and safety of an individual person or to the public  
31 at large, including, without limitation, the threat of an act of terrorism. A law  
32 enforcement agency that operates an unmanned aerial vehicle pursuant to this  
33 paragraph shall document the factual basis for its belief that such an imminent  
34 threat exists and shall, not later than 2 business days after initiating operation, file a  
35 sworn statement with a court of competent jurisdiction describing the nature of the  
36 imminent threat and the need for the operation of the unmanned aerial vehicle.

37 (e) Upon the declaration of a state of emergency or disaster by the Governor. A  
38 law enforcement agency that operates an unmanned aerial vehicle pursuant to this  
39 paragraph shall not use the unmanned aerial vehicle outside of the geographic area  
40 specified in the declaration or for any purpose other than the preservation of public  
41 safety, the protection of property, or the assessment and evaluation of  
42 environmental or weather-related damage, erosion or contamination.  
43

44 4. Any photograph, image, recording or other information that is acquired by  
45 a law enforcement agency through the operation of an unmanned aerial vehicle in  
46 violation of this section, or that is acquired from any other person or governmental  
47 entity, including, without limitation, a public agency and any department or agency  
48 of the Federal Government, that obtained the photograph, image, recording or other  
49 information in a manner inconsistent with the requirements of this section, and any  
50 evidence that is derived therefrom:

51 (a) Is not admissible in and must not be disclosed in a judicial, administrative  
52 or other adjudicatory proceeding; and

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

55 5. A law enforcement agency shall not operate, purchase or acquire any  
56 unmanned aerial vehicle or other equipment or service relating to the operation  
57 of an unmanned aerial vehicle in violation of the regulations adopted by the  
58 Department pursuant to subsection 6 of NRS 493.118.

59 Sec. 1.3. NRS 493.115 is hereby amended to read as follows:

60 493.115 1. A public agency:

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

62 (1) Before the operation of the unmanned aerial vehicle, the public agency  
63 registers the unmanned aerial vehicle with the Department pursuant to subsection 2  
64 of NRS 493.118.

65 (2) The public agency operates the unmanned aerial vehicle in accordance  
66 with the regulations adopted by the Department pursuant to subsection 4 of NRS  
67 493.118.

68 (b) Must not operate an unmanned aerial vehicle for the purposes of assisting a  
69 law enforcement agency with law enforcement or conducting a criminal  
70 prosecution.

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

74 (a) Is not admissible in, and must not be disclosed in, a judicial, administrative  
75 or other adjudicatory proceeding; and

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

78 3. A public agency shall not operate, purchase or acquire any unmanned  
79 aerial vehicle or other equipment or service relating to the operation of an  
80 unmanned aerial vehicle in violation of the regulations adopted by the  
81 Department pursuant to subsection 6 of NRS 493.118.

82 ~~[Section 1.1]~~ Sec. 1.7. NRS 493.118 is hereby amended to read as follows:

83 493.118 1. The Department shall, to the extent that money is available for  
84 this purpose, establish and maintain a registry of unmanned aerial vehicles that are  
85 operated by public agencies in this State. The Department shall include on its  
86 Internet website the information that is maintained in the registry.

87 2. A public agency shall, for each unmanned aerial vehicle the public agency  
88 intends to operate, submit to the Department, on a form provided by the  
89 Department, for inclusion in the registry:

90 (a) The name of the public agency;

91 (b) The name and contact information of each operator of the unmanned aerial  
92 vehicle;

93 (c) Sufficient information to identify the unmanned aerial vehicle; and

94 (d) A statement describing the use of the unmanned aerial vehicle by the public  
95 agency.

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

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

- 9           (a) The provision of fire services.  
10           (b) The provision of emergency medical services.  
11           (c) The protection of a critical facility that is public property.  
12           (d) Search and rescue operations conducted for persons and property in  
13 distress.

14           5. The regulations adopted by the Department pursuant to subsection 4  
15 must ~~authorize the following public purposes for which~~ include provisions that:

16           (a) Authorize, as a public purpose, a public agency ~~may~~ to operate an  
17 unmanned aerial vehicle that is registered with the Department ~~is~~

18 ~~(a) An~~ in order to conduct a scheduled inspection ~~conducted~~ to ensure  
19 compliance with building or fire codes or laws, ordinances, regulations or rules  
20 adopting or establishing building or fire codes that are enforced by the public  
21 agency.

22           (b) ~~[An inspection of a public work or other real property in which the public~~  
23 ~~agency has a property interest.] Prohibit a public agency from collecting any~~  
24 photograph, image or recording through the operation of an unmanned aerial  
25 vehicle during a scheduled inspection described in paragraph (a). If any  
26 photograph, image or recording is collected in violation of such a regulation or if  
27 any other information is collected through the operation of an unmanned aerial  
28 vehicle during such a scheduled inspection, the photograph, image, recording or  
29 other information:

30           (1) Is not admissible and must not be disclosed in any judicial,  
31 administrative or other adjudicatory proceeding other than a proceeding relating  
32 to the purpose of the scheduled inspection; and

33           (2) May not be used to establish reasonable suspicion or probable cause  
34 as the basis for the investigation or prosecution of a crime or other offense.

35           6. In addition to the regulations adopted pursuant to subsection 4, the  
36 Department shall adopt regulations to establish:

37           (a) A list of countries, businesses and entities from which a public agency or  
38 law enforcement agency shall not purchase or acquire any unmanned aerial  
39 vehicle or other equipment or service relating to the operation of an unmanned  
40 aerial vehicle; and

41           (b) A list of unmanned aerial vehicles and other related equipment or  
42 services that a public agency or law enforcement agency shall not operate,  
43 purchase or acquire.

44           7. The lists established pursuant to subsection 6 must include, without  
45 limitation:

46           (a) Any country, business or entity from which a federal agency or  
47 contractor is prohibited from purchasing or acquiring an unmanned aerial  
48 vehicle, or other equipment or service relating to the operation of an unmanned  
49 aerial vehicle pursuant to any federal law, rule, regulation or order; and

50           (b) Any unmanned aerial vehicle or other equipment or service relating to  
51 the operation of an unmanned aerial vehicle which has been prohibited for use  
52 by a federal agency or contractor pursuant to any federal law, rule, regulation or  
53 order.

- 1       **Sec. 2.** 1. This section becomes effective upon passage and approval.  
2       2. ~~Section~~ **Sections 1, 1.3 and 1.7** of this act becomes effective:  
3       (a) Upon passage and approval for the purpose of adopting any regulations and  
4 performing any other preparatory administrative tasks that are necessary to carry  
5 out the provisions of this act; and  
6       (b) On October 1, 2023, for all other purposes.