

**Amendment No. 599**

Assembly Amendment to Senate Bill No. 11 First Reprint (BDR 44-370)

**Proposed by:** Assembly Committee on Growth and Infrastructure

**Amends:** Summary: No Title: No 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.

AMD/ERS



Date: 5/22/2023

S.B. No. 11—Requires the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles. (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 relating to unmanned aerial vehicles. (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 relating to unmanned aerial vehicles; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law governs the usage of unmanned aerial vehicles by the State and its political  
2 subdivisions and private citizens. (NRS 493.103-493.118) A public agency other than a law  
3 enforcement agency may, for specified public purposes prescribed in regulations adopted by  
4 the Department of Public Safety, employ an unmanned aerial vehicle that has been registered  
5 with the Department. (NRS 493.118; NAC 493.100) ~~Section 1.7~~ **1.9** of this bill requires the  
6 Department to adopt regulations to establish: (1) a list of countries, businesses and entities  
7 from which a public agency or law enforcement agency shall not purchase or acquire any  
8 unmanned aerial vehicle or other equipment or service relating to the operation of an  
9 unmanned aerial vehicle; and (2) a list of unmanned aerial vehicles and other related  
10 equipment or services that a public agency or law enforcement agency shall not operate,  
11 purchase or acquire. **Sections 1 and 1.3** of this bill prohibit **effective January 1, 2025**, a  
12 public agency or law enforcement agency from operating, purchasing or acquiring any  
13 unmanned aerial vehicle or other equipment or service relating to the operation of an  
14 unmanned aerial vehicle in violation of the regulations adopted by the Department.

15 **Section 1.7 of this bill** requires the Department to adopt regulations to: (1) authorize a  
16 public agency to conduct scheduled inspections to ensure compliance with building and fire  
17 codes and laws, ordinances, regulations and rules adopting or establishing building and fire  
18 codes; (2) prohibit a public agency from collecting any photograph, image or recording  
19 through the operation of an unmanned aerial vehicle during the scheduled inspection; and (3)  
20 provide that if a photograph, image or recording or other information is collected through the  
21 operation of an unmanned aerial vehicle during a scheduled inspection, such photograph,  
22 image, recording or other information is not admissible and must not be disclosed in any  
23 proceeding other than a proceeding relating to the purpose of the scheduled inspection.

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

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

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

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

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

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

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

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

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

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

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

1 information in a manner inconsistent with the requirements of this section, and any  
2 evidence that is derived therefrom:

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

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

7 **5. ~~4.~~ Except as otherwise provided in this subsection, a law enforcement**  
8 **agency shall not operate, purchase or acquire any unmanned aerial vehicle or**  
9 **other equipment or service relating to the operation of an unmanned aerial**  
10 **vehicle in violation of the regulations adopted by the Department pursuant to**  
11 **subsection 6 of NRS 493.118. A law enforcement agency may operate or use an**  
12 **unmanned aerial vehicle or other equipment or service relating to the operation**  
13 **of an unmanned aerial vehicle that was purchased or acquired before the**  
14 **effective date of the regulations adopted by the Department pursuant to**  
15 **subsection 6 of NRS 493.118.**

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

17 493.115 1. A public agency:

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

19 (1) Before the operation of the unmanned aerial vehicle, the public agency  
20 registers the unmanned aerial vehicle with the Department pursuant to subsection 2  
21 of NRS 493.118.

22 (2) The public agency operates the unmanned aerial vehicle in accordance  
23 with the regulations adopted by the Department pursuant to subsection 4 of NRS  
24 493.118.

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

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

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

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

35 **3. ~~2.~~ Except as otherwise provided in this subsection, a public agency shall**  
36 **not operate, purchase or acquire any unmanned aerial vehicle or other**  
37 **equipment or service relating to the operation of an unmanned aerial vehicle in**  
38 **violation of the regulations adopted by the Department pursuant to subsection 6**  
39 **of NRS 493.118. A public agency may operate or use an unmanned aerial**  
40 **vehicle or other equipment or service relating to the operation of an unmanned**  
41 **aerial vehicle that was purchased or acquired before the effective date of the regulations**  
42 **adopted by the Department pursuant to subsection 6 of NRS 493.118.**

43 **Sec. 1.7.** NRS 493.118 is hereby amended to read as follows:

44 493.118 1. The Department shall, to the extent that money is available for  
45 this purpose, establish and maintain a registry of unmanned aerial vehicles that are  
46 operated by public agencies in this State. The Department shall include on its  
47 Internet website the information that is maintained in the registry.

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

51 (a) The name of the public agency;

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

1 (c) Sufficient information to identify the unmanned aerial vehicle; and  
2 (d) A statement describing the use of the unmanned aerial vehicle by the public  
3 agency.

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

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

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

17 *5. The regulations adopted by the Department pursuant to subsection 4*  
18 *must include provisions that:*

19 (a) *Authorize, as a public purpose, a public agency to operate an unmanned*  
20 *aerial vehicle that is registered with the Department in order to conduct a*  
21 *scheduled inspection to ensure compliance with building or fire codes or laws,*  
22 *ordinances, regulations or rules adopting or establishing building or fire codes*  
23 *that are enforced by the public agency.*

24 (b) *Prohibit a public agency from collecting any photograph, image or*  
25 *recording through the operation of an unmanned aerial vehicle during a*  
26 *scheduled inspection described in paragraph (a). If any photograph, image or*  
27 *recording is collected in violation of such a regulation or if any other information*  
28 *is collected through the operation of an unmanned aerial vehicle during such a*  
29 *scheduled inspection, the photograph, image, recording or 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. 1.9. NRS 493.118 is hereby amended to read as follows:**

2        493.118 1. The Department shall, to the extent that money is available for  
3 this purpose, establish and maintain a registry of unmanned aerial vehicles that are  
4 operated by public agencies in this State. The Department shall include on its  
5 Internet website the information that is maintained in the registry.

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

9            (a) The name of the public agency;

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

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

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

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

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

23            (a) The provision of fire services.

24            (b) The provision of emergency medical services.

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

26            (d) Search and rescue operations conducted for persons and property in  
27 distress.

28        5. The regulations adopted by the Department pursuant to subsection 4 must  
29 include provisions that:

30            (a) Authorize, as a public purpose, a public agency to operate an unmanned  
31 aerial vehicle that is registered with the Department in order to conduct a scheduled  
32 inspection to ensure compliance with building or fire codes or laws, ordinances,  
33 regulations or rules adopting or establishing building or fire codes that are enforced  
34 by the public agency.

35            (b) Prohibit a public agency from collecting any photograph, image or  
36 recording through the operation of an unmanned aerial vehicle during a scheduled  
37 inspection described in paragraph (a). If any photograph, image or recording is  
38 collected in violation of such a regulation or if any other information is collected  
39 through the operation of an unmanned aerial vehicle during such a scheduled  
40 inspection, the photograph, image, recording or other information:

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

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

46        **6. In addition to the regulations adopted pursuant to subsection 4, the**  
47 **Department shall adopt regulations to establish:**

48            **(a) A list of countries, businesses and entities from which a public agency or**  
49 **law enforcement agency shall not purchase or acquire any unmanned aerial**  
50 **vehicle or other equipment or service relating to the operation of an unmanned**  
51 **aerial vehicle; and**

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

4 7. The lists established pursuant to subsection 6 must include, without  
5 limitation:

6 (a) Any country, business or entity identified by the Secretary of Defense of  
7 the United States Department of Defense pursuant to Section 1260H of the  
8 William M. (Mac) Thornberry National Defense Authorization Act for Fiscal  
9 Year 2021, Public Law 116-283, any amendments thereto or any subsequent  
10 federal law establishing such a list;

11 (b) Any unmanned aerial vehicle or other equipment or service relating to  
12 the operation of an unmanned aerial vehicle sold, manufactured or distributed by  
13 an entity identified by the Secretary of Defense of the United States Department  
14 of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry  
15 National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283,  
16 any amendments thereto or any subsequent federal law establishing such a list;

17 (c) Any hardware, software, vendor or service prohibited from being used by  
18 a state agency in Nevada by a regulation, guideline or policy adopted by the  
19 Division of Enterprise Information Technology Services of the Department of  
20 Administration pursuant to NRS 242.111 and 242.115; and

21 (d) Any other unmanned aerial vehicle or other equipment or service relating  
22 to the operation of an unmanned aerial vehicle, as determined by the  
23 Department.

24 **Sec. 2.** 1. This section becomes effective upon passage and approval.

25 2. ~~[Sections 1, 1.3 and]~~ **Section** 1.7 of this act becomes effective:

26 (a) Upon passage and approval for the purpose of adopting any regulations and  
27 performing any other preparatory administrative tasks that are necessary to carry  
28 out the provisions of this act; and

29 (b) On October 1, 2023, for all other purposes.

30 **3. Sections 1, 1.3 and 1.9 of this act become effective;**

31 (a) Upon passage and approval for the purpose of adopting any  
32 regulations and performing any other preparatory administrative tasks that  
33 are necessary to carry out the provisions of this act; and

34 (b) On January 1, 2025, for all other purposes.