

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

17 **Section 1.7** requires the Department to adopt regulations to: (1) authorize a
18 public agency to conduct scheduled inspections to ensure compliance with building
19 and fire codes and laws, ordinances, regulations and rules adopting or establishing



20 building and fire codes; (2) prohibit a public agency from collecting any
21 photograph, image or recording through the operation of an unmanned aerial
22 vehicle during the scheduled inspection; and (3) provide that if a photograph, image
23 or recording or other information is collected through the operation of an unmanned
24 aerial vehicle during a scheduled inspection, such photograph, image, recording or
25 other information is not admissible and must not be disclosed in any proceeding
26 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,
3 nothing in this section shall be deemed to otherwise prohibit the
4 operation of an unmanned aerial vehicle by a law enforcement
5 agency for any lawful purpose in this State.

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

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

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

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

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



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

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

19 4. Any photograph, image, recording or other information that
20 is acquired by a law enforcement agency through the operation of an
21 unmanned aerial vehicle in violation of this section, or that is
22 acquired from any other person or governmental entity, including,
23 without limitation, a public agency and any department or agency of
24 the Federal Government, that obtained the photograph, image,
25 recording or other information in a manner inconsistent with the
26 requirements of this section, and any evidence that is derived
27 therefrom:

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

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

33 ***5. A law enforcement agency shall not operate, purchase or***
34 ***acquire any unmanned aerial vehicle or other equipment or***
35 ***service relating to the operation of an unmanned aerial vehicle in***
36 ***violation of the regulations adopted by the Department pursuant to***
37 ***subsection 6 of NRS 493.118.***

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

39 493.115 1. A public agency:

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

41 (1) Before the operation of the unmanned aerial vehicle, the
42 public agency registers the unmanned aerial vehicle with the
43 Department pursuant to subsection 2 of NRS 493.118.



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

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

7 2. Any photograph, image, recording or other information that
8 is acquired by a public agency through the operation of an
9 unmanned aerial vehicle in violation of this section, and any
10 evidence that is derived 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
14 probable cause as the basis for investigating or prosecuting a crime
15 or offense.

16 **3. *A public agency shall not operate, purchase or acquire any***
17 ***unmanned aerial vehicle or other equipment or service relating to***
18 ***the operation of an unmanned aerial vehicle in violation of the***
19 ***regulations adopted by the Department pursuant to subsection 6 of***
20 ***NRS 493.118.***

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

22 493.118 1. The Department shall, to the extent that money is
23 available for this purpose, establish and maintain a registry of
24 unmanned aerial vehicles that are operated by public agencies in this
25 State. The Department shall include on its Internet website the
26 information that is maintained in the registry.

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

30 (a) The name of the public agency;

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

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

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

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

43 4. The Department shall adopt regulations prescribing the
44 public purposes for which a public agency may operate an



1 unmanned aerial vehicle that is registered with the Department
2 pursuant to this section, including, without limitation:

- 3 (a) The provision of fire services.
- 4 (b) The provision of emergency medical services.
- 5 (c) The protection of a critical facility that is public property.
- 6 (d) Search and rescue operations conducted for persons and
7 property in distress.

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

10 (a) ***Authorize, as a public purpose, a public agency to operate***
11 ***an unmanned aerial vehicle that is registered with the Department***
12 ***in order to conduct a scheduled inspection to ensure compliance***
13 ***with building or fire codes or laws, ordinances, regulations or***
14 ***rules adopting or establishing building or fire codes that are***
15 ***enforced by the public agency.***

16 (b) ***Prohibit a public agency from collecting any photograph,***
17 ***image or recording through the operation of an unmanned aerial***
18 ***vehicle during a scheduled inspection described in paragraph (a).***
19 ***If any photograph, image or recording is collected in violation of***
20 ***such a regulation or if any other information is collected through***
21 ***the operation of an unmanned aerial vehicle during such a***
22 ***scheduled inspection, the photograph, image, recording or other***
23 ***information:***

24 (1) ***Is not admissible and must not be disclosed in any***
25 ***judicial, administrative or other adjudicatory proceeding other***
26 ***than a proceeding relating to the purpose of the scheduled***
27 ***inspection; and***

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

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

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

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

41 ***7. The lists established pursuant to subsection 6 must include,***
42 ***without limitation:***

43 (a) ***Any country, business or entity from which a federal***
44 ***agency or contractor is prohibited from purchasing or acquiring***
45 ***an unmanned aerial vehicle, or other equipment or service***



1 *relating to the operation of an unmanned aerial vehicle pursuant*
2 *to any federal law, rule, regulation or order; and*

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

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

9 2. Sections 1, 1.3 and 1.7 of this act becomes effective:

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

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

