

HOUSE BILL NO. 586

INTRODUCED BY W. CURDY

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO UNMANNED AERIAL VEHICLES; PROHIBITING THE UNAUTHORIZED USE OF UNMANNED AERIAL VEHICLES NEAR CERTAIN AIRPORTS, EMERGENCY OPERATIONS, OR AERIAL SPRAYING OPERATIONS; PROVIDING A DEFINITION; AND PROVIDING A CONTINGENT TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definition. For the purposes of [sections 1 through 4] "unmanned aerial vehicle" means an airborne device that is operated without an individual in or on the device, commonly known as a drone.

NEW SECTION. Section 2. Unauthorized use of unmanned aerial vehicle near airport. (1) A person commits the offense of unauthorized use of an unmanned aerial vehicle near an airport if the person knowingly or negligently operates an unmanned aerial vehicle between ground level and 1,500 feet above ground level and within 1 horizontal nautical mile from the center line of the runway of an airport or airstrip operated by a state, county, or city entity or by another political subdivision of the state without the prior written permission of that entity.

(2) A person convicted of the offense of unauthorized use of an unmanned aerial vehicle near an airport whose violation results in damage to an aircraft, an aircraft taking evasive action to avoid a collision with the unauthorized unmanned aerial vehicle, or loss of life shall be fined three times the amount of damages caused or \$1,000, whichever is greater, or be imprisoned in the state prison for a term of not less than 6 months or more than 10 years, or both.

(3) A person convicted of unauthorized use of an unmanned aerial vehicle near an airport whose violation does not result in the damage, action, or loss of life specified in subsection (2) shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(4) In addition to the penalties provided for in subsections (2) and (3), a district court may award damages, including punitive damages, attorney fees, and other appropriate relief, in a civil action to a person who



1 suffers injury as a result of activity that violates this section.

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3 **NEW SECTION. Section 3. Unauthorized use of unmanned aerial vehicle near emergency**

4 **operation.** (1) Unless authorized by an incident commander as defined in 10-3-1203 or the incident commander's
5 designee, a person commits the offense of unauthorized use of an unmanned aerial vehicle near an emergency
6 operation if the person knowingly or negligently operates an unmanned aerial vehicle between ground level and
7 2,500 feet above ground level and within 3 horizontal nautical miles of a location where emergency responders
8 are actively working on an incident when:

9 (a) there is a threat to life or property, including private property or publicly owned lands; and

10 (b) the incident commander has issued an emergency proclamation temporarily prohibiting unmanned
11 aerial vehicle flight in the area through a local public safety communications officer, as defined in 7-31-201.

12 (2) A person convicted of the offense of unauthorized use of an unmanned aerial vehicle near an
13 emergency operation whose violation results in suspension of the air operation in support of the emergency
14 operation shall be fined three times the amount of damages caused by the suspension of air operations or
15 \$5,000, whichever is greater, or be imprisoned in the state prison for a term of not less than 6 months or more
16 than 10 years, or both.

17 (3) A person convicted of unauthorized use of an unmanned aerial vehicle near an emergency operation
18 whose violation does not result in the damage specified in subsection (2) shall be fined an amount not to exceed
19 \$5,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

20 (4) In addition to the penalties provided for in subsections (2) and (3), a district court may award
21 damages, including punitive damages, attorney fees, and other appropriate relief, in a civil action to a person who
22 suffers injury as a result of activity that violates this section.

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24 **NEW SECTION. Section 4. Unauthorized use of unmanned aerial vehicle near aerial spraying**

25 **operation.** (1) A person commits the offense of unauthorized use of an unmanned aerial vehicle near an aerial
26 spraying operation if the person knowingly or negligently operates an unmanned aerial vehicle between ground
27 level and 1,500 feet above ground level and within 3 nautical miles from an ongoing aerial spraying operation
28 undertaken by an airplane or a helicopter.

29 (2) A person convicted of the offense of unauthorized use of an unmanned aerial vehicle near an aerial
30 spraying operation whose violation results in damage to an aircraft, an aircraft taking evasive action to avoid a

1 collision with the unauthorized unmanned aerial vehicle, or loss of life shall be fined three times the amount of
2 damages caused or \$1,000, whichever is greater, or be imprisoned in the state prison for a term of not less than
3 6 months or more than 10 years, or both.

4 (3) A person convicted of unauthorized use of an unmanned aerial vehicle near an aerial spraying
5 operation whose violation does not result in the damage, action, or loss of life specified in subsection (2) shall
6 be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months,
7 or both.

8 (4) In addition to the penalties provided for in subsections (2) and (3), a district court may award
9 damages, including punitive damages, attorney fees, and other appropriate relief, in a civil action to a person who
10 suffers injury as a result of activity that violates this section.

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12 **NEW SECTION. Section 5. Emergency proclamation to ground unmanned aerial vehicles.** An
13 incident commander, as defined in 10-3-1203, or the incident commander's designee on an incident when there
14 is a threat to life or property, including private property or publicly owned lands, may temporarily prohibit
15 unmanned aerial vehicles, as defined in [section 1], between ground level and 2,500 feet above ground level and
16 within 3 horizontal nautical miles of the location where emergency responders are actively working by
17 broadcasting the prohibition through a local public safety communications officer, as defined in 7-31-201.

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19 **NEW SECTION. Section 6. Codification instruction.** (1) [Sections 1 through 4] are intended to be
20 codified as an integral part of Title 45, and the provisions of Title 45 apply to [sections 1 through 4].

21 (2) [Section 5] is intended to be codified as an integral part of Title 7, chapter 31, and the provisions of
22 Title 7, chapter 31, apply to [section 5].

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24 **NEW SECTION. Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable
25 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
26 remains in effect in all valid applications that are severable from the invalid applications.

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28 **NEW SECTION. Section 8. Contingent termination.** [This act] terminates on certification to the code
29 commissioner by the department of transportation that the federal aviation administration has promulgated rules
30 on the federal level concerning unmanned aerial vehicle flights. The department of transportation shall provide

1 a copy of the certification to the secretary of state and the code commissioner.

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