

## HOUSE BILL NO. 655

INTRODUCED BY J. DOOLING

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A BILL FOR AN ACT ENTITLED: "AN ACT RESTRICTING THE USE OF UNMANNED AIRCRAFT SYSTEMS NEAR CRITICAL INFRASTRUCTURE; PROVIDING PENALTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "Critical infrastructure facility" means one of the following, if completely enclosed by a fence or physical barrier that is designed to exclude intruders or is clearly marked by signage posted on the property that indicates forbidden entry or that authorization is required for the flight of unmanned aircraft or unmanned aircraft systems:

- (a) a petroleum or alumina refinery;
- (b) an electric generating facility, substation switching station, or electrical control center;
- (c) a chemical, polymer, or rubber manufacturing facility;
- (d) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (e) a natural gas compressor station;
- (f) a liquid natural gas terminal or storage facility;
- (g) a telecommunications central switching office;
- (h) wireless telecommunications infrastructure;
- (i) a port, railroad, railroad yard, trucking terminal, or other freight transportation facility;
- (j) a gas processing plant, including those used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
- (k) a transmission facility used by a federally licensed radio or television station;
- (l) a steelmaking facility that uses an electric arc furnace;
- (m) a facility identified by the United States department of homeland security chemical facility anti-terrorism standards program;

- 1 (n) a dam that is regulated by the state or federal government;
- 2 (o) a natural gas distribution utility facility, including but not limited to pipeline interconnections, city gate
- 3 or town border stations, metering stations, aboveground pipe, regulator stations, and natural gas storage facilities;
- 4 (p) aboveground oil, gas, hazardous liquid, and chemical pipelines;
- 5 (q) aboveground portions of an oil or gas well and associated production facilities;
- 6 (r) aboveground portions of a mineral or metal mining facility; and
- 7 (s) correctional facilities.

8 (2) "Unmanned aircraft" means any aircraft operated without the possibility of direct human intervention

9 from within the aircraft including all equipment attached to the aircraft.

10 (3) "Unmanned aircraft system" means an unmanned aircraft and its associated elements including

11 communication links, video recording attachments, and control components that are required for safe operation

12 within national airspace.

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14 **NEW SECTION. Section 2. Unmanned aircraft restrictions.** (1) Except as provided in subsection (2),

15 a person may not intentionally or knowingly:

16 (a) operate an unmanned aircraft or unmanned aircraft system above a critical infrastructure facility at

17 less than 400 feet above ground level, within a 400-foot radius of a critical infrastructure facility, or less than 400

18 feet above the facility's immediate uppermost limit;

19 (b) allow an unmanned aircraft or unmanned aircraft system to make contact with a critical infrastructure

20 facility, including any person or object on the premises of or within the facility; or

21 (c) allow an unmanned aircraft or unmanned aircraft system to come within a distance of a critical

22 infrastructure facility close enough to interfere with the operations of or cause a disturbance to the facility.

23 (2) This section does not apply to the conduct of:

24 (a) the federal government, the state, or a political subdivision of the state;

25 (b) a person under contract with or otherwise acting under the direction or on behalf of the federal

26 government, the state, or a political subdivision of the state;

27 (c) a law enforcement agency;

28 (d) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement

29 agency;

30 (e) an owner or operator of a critical infrastructure facility;

1 (f) a person under contract with or otherwise acting under the direction or on behalf of an owner or  
2 operator of a critical infrastructure facility;

3 (g) a person who has the prior written consent of the owner or operator of a critical infrastructure facility;

4 (h) the owner or occupant of the property on which the critical infrastructure facility is located or a person  
5 who has the prior written consent of the owner or occupant of that property; or

6 (i) the owner of the property within the 400-foot perimeter zone on which the critical infrastructure  
7 property is located or a person who has the prior written consent of that property owner.

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9 NEW SECTION. **Section 3. Prohibited operation of unmanned aircraft -- penalties.** Any person in  
10 violation of [section 2] may be subject to criminal penalties under 45-6-101 or 45-6-203 or civilly liable for  
11 damages to the critical infrastructure facility, including but not limited to damage to property, the environment, or  
12 human health.

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14 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified  
15 as an integral part of Title 45, and the provisions of Title 45 apply to [sections 1 through 3].

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17 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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