

HOUSE BILL NO. 655

INTRODUCED BY J. DOOLING, T. RICHMOND

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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 AND TERMINATION DATES."

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 ANY FACILITY LISTED IN SUBSECTIONS (1)(A) THROUGH (1)(U) THAT IS~~ 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,~~ AND FOR WHICH 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 (T) CABLE TELEVISION INFRASTRUCTURE, INCLUDING HEADENDS, POLES, CABLE TELEVISION LINES, COAXIAL AND
9 FIBER OPTIC LINES, AND OTHER EQUIPMENT ATTACHED TO CABLE TELEVISION LINES; AND
- 10 (U) MILITARY INSTALLATIONS, INCLUDING BUT NOT LIMITED TO TRAINING AREAS AND ARMORIES.
- 11 (2) "Unmanned aircraft" means any aircraft operated without the possibility of direct human intervention
12 from within the aircraft including all equipment attached to the aircraft.
- 13 (3) "Unmanned aircraft system" means an unmanned aircraft and its associated elements including
14 communication links, video recording attachments, and control components that are required for safe operation
15 within national airspace.
- 16
- 17 **NEW SECTION. Section 2. Unmanned aircraft restrictions.** (1) Except as provided in subsection (2),
18 a person may not ~~intentionally~~ PURPOSELY or knowingly:
- 19 (a) operate an unmanned aircraft or unmanned aircraft system above a critical infrastructure facility at
20 less than ~~400~~ 300 feet above ground level, within a ~~400-foot~~ 300-FOOT radius of a critical infrastructure facility,
21 or less than ~~400~~ 300 feet above the facility's immediate uppermost limit;
- 22 (b) allow an unmanned aircraft or unmanned aircraft system to make contact with a critical infrastructure
23 facility, including any person or object on the premises of or within the facility; or
- 24 (c) allow an unmanned aircraft or unmanned aircraft system to come within a distance of a critical
25 infrastructure facility close enough to interfere with the operations of or cause a disturbance to the facility.
- 26 (2) This section does not apply to the conduct of:
- 27 (a) the federal government, the state, or a political subdivision of the state;
- 28 (b) a person under contract with or otherwise acting under the direction or on behalf of the federal
29 government, the state, or a political subdivision of the state;
- 30 (c) a law enforcement agency;

1 (d) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement
2 agency;

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

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

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

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

9 (i) the owner of the property within the ~~400-foot~~ 300-FOOT perimeter zone on which the critical
10 infrastructure property is located or a person who has the prior written consent of that property owner; OR

11 (J) AN OWNER OR OPERATOR OF AN UNMANNED AIRCRAFT SYSTEM WHEN OPERATING THE SYSTEM FOR
12 INSURANCE-RELATED PURPOSES, INCLUDING BUT NOT LIMITED TO UNDERWRITING, CLAIMS INVESTIGATION, CLAIMS
13 ADJUSTMENT, ASSESSMENT OF PROPERTY DAMAGE, AND SURVEY OF CATASTROPHE DAMAGE.

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

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

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

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25 NEW SECTION. SECTION 6. TERMINATION -- CONTINGENCY. [THIS ACT] TERMINATES ON THE EARLIER OF:

26 (1) JUNE 30, 2021; OR

27 (2) CERTIFICATION TO THE CODE COMMISSIONER BY THE MONTANA DEPARTMENT OF TRANSPORTATION THAT:

28 (A) THE FEDERAL AVIATION ADMINISTRATION HAS PROMULGATED RULES TO GOVERN UNMANNED AIRCRAFT
29 VEHICLE FLIGHT NEAR CRITICAL INFRASTRUCTURE; OR

30 (B) A COURT OF COMPETENT JURISDICTION FINDS THAT [THIS ACT] IS CONTRARY TO FEDERAL AVIATION RULES

1 AND REGULATIONS GOVERNING UNMANNED AIRCRAFT SYSTEMS.

2 - END -