

DRONES

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Unmanned aerial vehicles (UAV) or unmanned aerial systems (UAS) are unmanned flying vehicles controlled by an operator on the ground, and they are commonly known as drones. Drones are used in a variety of commercial and recreational applications, and their use continues to grow. Legislators should be aware that commercial and recreational drones are aircraft, and because the U.S. Congress has granted the United States Government the exclusive sovereignty of airspace in the United States, they are subject to federal regulation by the FAA, and certain local regulations may be subject to preemption by federal law. It does not preclude all state regulation of drones, but Congress extensively controls much of the field.

Legislative Services Division Materials: Current Montana law limits law enforcement from using information gathered by UAVs without a search warrant or a search warrant exception or during the investigation of a motor vehicle crash scene that occurs on or involves a public roadway. Information gathered from a UAV cannot be used in certain affidavits of probable cause. *See* [section 46-5-109](#). Montana law also prohibits interference with aerial wildfire suppression efforts by the use of a UAV, and prohibits local governments from enacting ordinances concerning the private use of a UAV with relation to a wildfire. *See* [section 76-13-214](#) and [section 7-1-111](#).

Other Materials: [Current Unmanned Aircraft State Law Landscape](#) – NCSL
[Unmanned Aircraft Systems FY 2019-2039](#) – Federal Aviation Administration
[State Legislative Trends: Drones](#) - CSG

Introduced Legislation

2019

[House Bill No. 257](#) – Chapter Number Assigned -- AN ACT ALLOWING INFORMATION COLLECTED BY AN UNMANNED AERIAL VEHICLE INVESTIGATING A MOTOR VEHICLE CRASH SCENE TO BE ADMITTED INTO EVIDENCE OR USED TO OBTAIN SEARCH WARRANTS; AND AMENDING SECTION 46-5-109, MCA.

[House Bill No. 655](#) – (H) Died in Process -- AN ACT RESTRICTING THE USE OF UNMANNED AIRCRAFT SYSTEMS NEAR CRITICAL INFRASTRUCTURE; PROVIDING PENALTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATES.

2017

[HB 644](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS RELATING TO WILDFIRES AND UNMANNED AERIAL VEHICLE SYSTEMS; PROHIBITING INTERFERENCE WITH WILDFIRE SUPPRESSION EFFORTS INCLUDING BY THE USE OF UNMANNED AERIAL VEHICLE SYSTEMS; RESTRICTING GOVERNMENTAL ENTITIES WITH SELF-GOVERNING POWERS FROM ENACTING ORDINANCES GOVERNING THE PRIVATE USE OF AN UNMANNED AERIAL VEHICLE IN RELATION TO A WILDFIRE; PROVIDING PENALTIES; AND AMENDING SECTION 7-1-111, MCA.

[SB 170](#) -- (S) Died in Process -- AN ACT PROVIDING CIVIL PENALTIES FOR UNAUTHORIZED OPERATION OF AN UNMANNED AERIAL VEHICLE OVER REAL PROPERTY; AND PROVIDING AN APPLICABILITY DATE

2015

[HB 330](#) -- Chapter Number Assigned -- AN ACT ESTABLISHING STANDARDS AND LIMITS FOR LOCAL LAW ENFORCEMENT ACQUISITION AND USE OF CERTAIN EQUIPMENT; AND REQUIRING A LOCAL LAW ENFORCEMENT AGENCY TO PROVIDE PUBLIC NOTIFICATION.

[HB 593](#) – (H) Missed Deadline for Revenue Bill Transmittal -- AN ACT ESTABLISHING THE MONTANA UNMANNED MODEL AERIAL VEHICLE ACT; ESTABLISHING REQUIREMENTS FOR THE OPERATION OF UNMANNED MODEL AERIAL VEHICLES; AUTHORIZING INCIDENT COMMANDERS TO TEMPORARILY PROHIBIT THE OPERATION OF UNMANNED MODEL AERIAL VEHICLES; PROHIBITING SURREPTITIOUS VISUAL OBSERVATION WITH AN UNMANNED MODEL AERIAL VEHICLE; PROHIBITING THE UNLAWFUL OPERATION OF AN UNMANNED MODEL AERIAL VEHICLE; PROVIDING PENALTIES; AUTHORIZING LOCAL GOVERNMENTS TO REGULATE UNMANNED MODEL AERIAL VEHICLES IN CERTAIN CASES; PROHIBITING THE INTERFERENCE WITH THE TAKING OF FISH AND GAME; AND AMENDING SECTION 87-6-215, MCA

[HB 586](#) – (H) Missed Deadline for Revenue Bill Transmittal -- 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

2013

[SB 150](#) -- (H) Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE USE OF UNMANNED AERIAL VEHICLES; AND PROHIBITING ANY GOVERNMENTAL ENTITY WITHIN THE STATE OF MONTANA OWNING OR UTILIZING UNMANNED AERIAL VEHICLES WITH ANTIPERSONNEL DEVICES

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[SB 196](#) -- Chapter Number Assigned -- AN ACT LIMITING THE USE OF UNMANNED AERIAL VEHICLES BY LAW ENFORCEMENT; AND PROHIBITING THE USE OF UNLAWFULLY OBTAINED INFORMATION AS EVIDENCE IN COURT

2011

N/A

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