



|| SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 1323 Printer's No. 1945

Prime Sponsor: Senator Argall
Committee: Judiciary

SYNOPSIS:

This bill amends Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) to prohibit the operation of unmanned aircraft in certain locations.

SUMMARY:

Disorderly Conduct

Section 5503 of Title 18 currently defines the offense of disorderly conduct as acting with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, and (1) engaging in fighting or threatening, or in violent or tumultuous behavior; (2) making unreasonable noise; (3) using obscene language or making an obscene gesture; or (4) creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

This bill adds a new form of disorderly conduct for operating an unmanned aircraft in dangerous proximity to another person or another person's property, unless the other person consents to the operation.

Unlawful use of unmanned aircraft

This bill creates a new offense for knowingly using an unmanned aircraft to conduct surveillance of, gather evidence or collect information about or photographically or electronically record a "critical facility" without the prior written consent of the owner of the critical facility.

This offense will be graded as a misdemeanor of the second degree with a fine not exceeding \$5,000 for a first offense. Second or subsequent offenses will be graded as a misdemeanor of the first degree with a fine not exceeding \$10,000.

This bill does not prohibit the use of an unmanned aircraft to record or collect information about one's own immovable property or property that a person has a lawful right to use, nor does it prohibit such conduct by a third party who is retained by the owner or lessee of the immovable property. The bill does not prohibit an insurance company from using an unmanned aircraft for purposes of underwriting an insurance risk or investigating damage to insured property. The bill does not prohibit the use of an unmanned aircraft for a motion picture, television, or similar media production over the property of a person who consents to such use.

Action against the operator of an unmanned aircraft

This bill establishes for owners of a “critical facility” a civil cause of action against any person who violates the newly created criminal offense of unlawful use of unmanned aircraft. The available remedies are:

- (1) any actual damages sustained as a result of the violation, or \$10,000, whichever is greater;
- (2) three times the actual damages, or \$10,000, whichever is greater, in a case in which the violation resulted in profit or monetary gain; and
- (3) the costs of an action brought under this section, together with reasonable attorney fees as determined by the court.

Definitions

“Critical facility”: correctional facilities, water or wastewater treatment facilities, military installations, power generation plants or substations, public safety facilities, hospitals, properly marked government-owned buildings, airport or heliport, petroleum or alumina refineries, chemical or rubber manufacturing facilities, and nuclear power electric generation facilities.

“Unmanned aircraft”: an autonomous or remotely piloted aircraft, not including satellites orbiting the earth, aircraft used by or on behalf of a federal, state, or local government entity.

AMENDMENT:

Amendment A09561 clarifies that the offense of unlawful use of an unmanned aircraft does not apply to those who have been licensed by the Federal Aviation Administration to operate unmanned aircraft for commercial purposes. The amendment also changes the definition of “critical facility” by removing “nuclear power” from the definition and adding a variety of facilities pertaining to oil and natural gas.

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

None.

Prepared by: Cawley 9/22/2016