



## **A COMPENDIUM OF STATE LAWS AND PROPOSED LEGISLATION RELATED TO UNMANNED AERIAL SYSTEMS/DRONES**

Prepared for the National Telecommunications and Information Administration (NTIA) Multi-Stakeholder Meeting on Privacy, Transparency, and Accountability Regarding Commercial and Private UAS





*NAMIC is the largest property/casualty trade association in the country, serving regional and local mutual insurance companies on main streets across America as well as many of the country's largest national insurers. 1,300 member companies serve more than 135 million auto, home and business policy holders, and write more than \$208 billion in annual premiums.*



**Tom Karol**

General Counsel – Federal  
[tkarol@namic.org](mailto:tkarol@namic.org)

Direct 202.580.6741  
Phone 202.628.1558  
Fax 202.628.1601

*Tom Karol serves as General Counsel - Federal in NAMIC's Washington office. Tom represents NAMIC on issues impacting property casualty insurance companies and has primary management of NAMIC's response to Dodd-Frank legislation and regulation. Tom is also the Leader of NAMIC's Investment Services Practice.*

*Tom has extensive legal, regulatory and operations experience with major financial services companies, law firms, regulatory agencies and Congress. Tom was a leader in Deloitte's Global Financial Services practice, a supervisory principal for a broker dealer, with the S.E.C. Division of Enforcement and with the U.S. Senate Committee on Governmental Affairs.*

*Tom graduated from the University of Notre Dame Law School and has a political science degree from St. John Fisher College in Rochester, NY. He resides in Alexandria, Virginia with his wife, Kathryn, his son David and his daughter Julianne.*



# TABLE OF CONTENTS



Background	2
Observations	3
State Laws	6
2015 Legislation	8
Document Links	32



A [presidential memorandum](#) issued Feb. 15, 2015, directed the Department of Commerce, through the National Telecommunications and Information Administration (NTIA) and in consultation with other interested agencies, to initiate a multi-stakeholder engagement process to develop a framework regarding privacy, accountability, and transparency for commercial and private unmanned aerial system (UAS or drone) use.

The National Association of Mutual Insurance Companies (NAMIC), whose members include insurance companies interested in the commercial use of UAS, agreed to participate in this process.

The only major piece of federal legislation controlling domestic drone use is the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, which does not address privacy. In its 2015 [Notice of Proposed Rulemaking](#) on the Operation and Certification of Small Unmanned Aircraft Systems, the FAA noted that privacy about unmanned aircraft operations are beyond the scope of this rulemaking. The FAA also specifically noted “that state law and other legal protections for individual privacy may provide recourse for a person whose privacy may be affected through another person’s use of a UAS.”

In the first of a series of meetings of NTIA Multi-Stakeholder Group on Privacy, Transparency, and Accountability Regarding Commercial and Private UAS, the group convened Aug. 3, 2015, and agreed that a subgroup of stakeholders will review proposed or existing state laws regarding UAS to identify provisions that could be incorporated into a best practices document drafted in the NTIA process.

NAMIC surveyed its members in 2014 about potential drone use and learned that the lack of information on state and local regulations was one of the more serious impediments to commercial use. Accordingly, NAMIC agreed to review the state laws and proposals and produce this report.

**DISCLAIMER – This document was prepared for the use of the NTIA Multi-Stakeholder group by NAMIC General Counsel Federal Tom Karol, who is solely responsible for any opinions, positions, and errors included herein.**



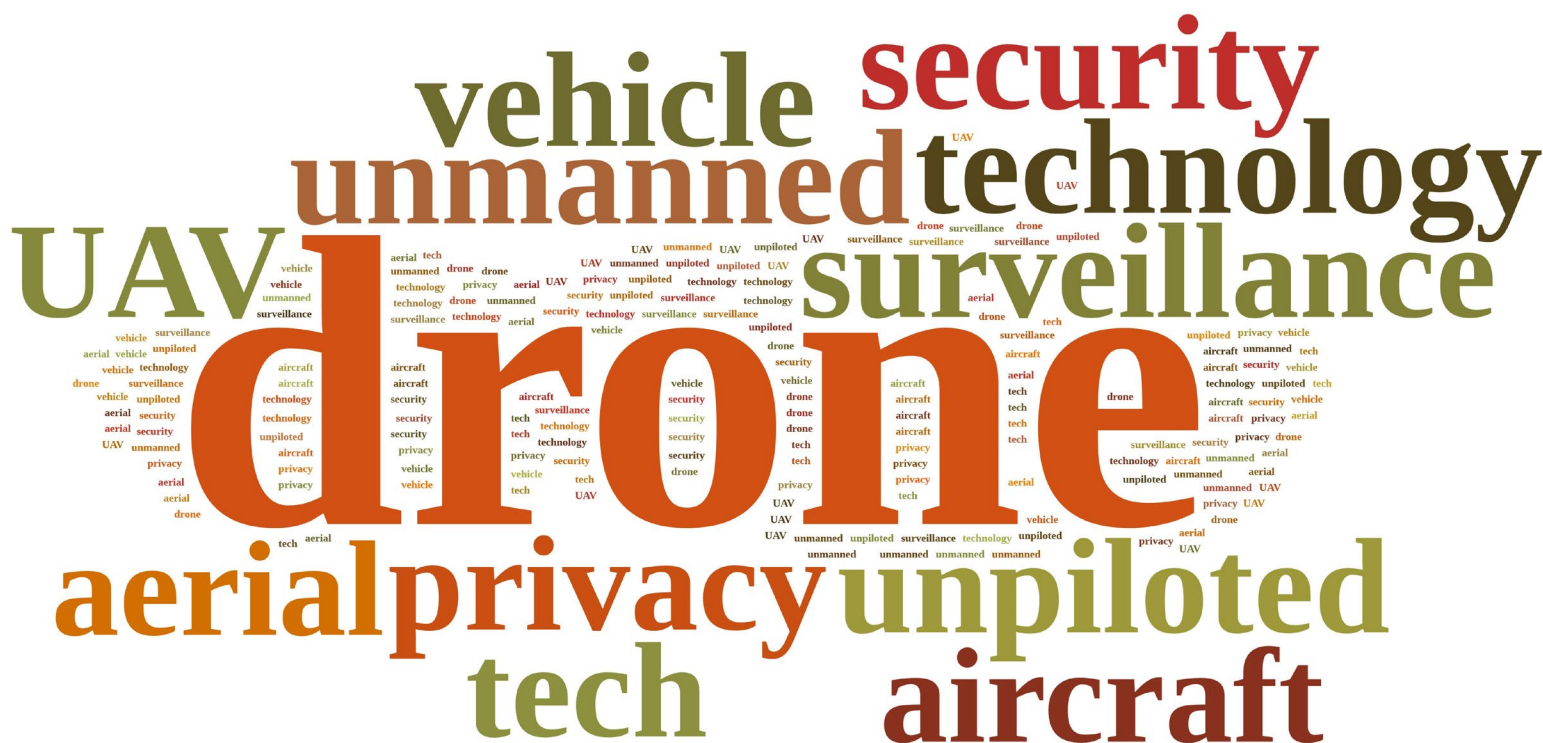
## OBSERVATIONS

Each state has developed its own privacy law, either through common law, statutes, or both. The right to privacy is an evolving branch of the law, and in most jurisdictions many legal questions remain unsettled.

In considering privacy, it is important to note that the tort of and civil liability for invasion of privacy is distinct from the constitutional right to privacy, which protects against invasions by the government.

- Under Restatement of the Law, Second, Torts<sup>1</sup> 158 Liability for Intentional Intrusions on Land “it is an actionable trespass ...to fire projectiles or to fly an advertising kite or balloon through the air above it, even though no harm is done to the land or to the possessor’s enjoyment of it.”
- <sup>2</sup>652B Intrusion Upon Seclusion provides that “One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.”

Since 2013, 27 states have passed legislation with respect to drones. According to the “Current Unmanned Aircraft State Law Landscape” maintained by the National Conference of State Legislatures (NCSL) in 2015 alone, 45 states have considered 156 bills related to drones. The laws enacted by states are detailed below, and the state legislative proposals concerning drones are attached.



<sup>1</sup> Many of these resulted from animal rights advocates seeking to capture footage of hunters engaging in illegal activities. PETA sells drones for this purpose in its [catalog](#) and offers to upload such videos to a page on PETA.org.

<sup>2</sup> *United States v. Causby*, 328 U.S. 256, 260–61 (1946).

### State and Local Government Use

The largest number of drone privacy laws and legislative proposals relates to defining the appropriate parameters of permissible use by state authorities, in general, and use by law enforcement, in particular. These are important provisions, but they are outside the scope of the work of this group to develop a framework regarding privacy, accountability, and transparency for commercial and private UAS use. It is important to note, however, that much of law enforcement privacy law is interpreted to permit or restrict such government surveillance based upon principles of the expectation of privacy. Accordingly, state government restrictions of law enforcement drone surveillance could support private claims that there are attendant expectations of privacy, and permission could indicate that the state sees no such expectations.

### State and Local Government Authority

Several states have enacted or proposed laws that preempt local and municipal regulation of drone use and provide that the state shall have sole authority.

A number of state laws and legislative proposals address the question of who in the state government has the authority to regulate private or commercial drone use. Louisiana enacted a [provision](#) in 2015, authorizing commercial drone use for agriculture and empowered the Louisiana Department of Agriculture and Forestry to adopt rules and regulations. In North Carolina, [S466](#) provided the state Division of Aviation at the Department of Transportation with the authority to require testing and issuing of permits for commercial drone use. As detailed below, other states proposed special drone use exemptions for some state-regulated companies, which may then empower the relevant registering agency to define applicable rules for drone use.

A significant number of state laws and proposals precludes the use of drones in hunting and fishing, as well as using drones to interfere with hunters and fishermen. Regulation of hunting and fishing is a valid state or local authority, and the applicable drone regulations may be issued and enforced by state game or wildlife authorities.

### Physical Privacy – Trespass

It is long established that an aircraft traveling over an individual's land does not constitute a trespass, but the "immediate reaches" around property still belong to the owner. Drones flying within the immediate reaches of the property could be considered trespassing.

Legislators in California have proposed a [bill](#) that would make it a trespass if a drone merely flies below 350 feet above someone's property. The bill does not require any intent to fly over the property, that any harm resulted, that any information was obtained, or that reasonable people would find the action offensive – all of which are required under existing California [law](#) for physical invasion of privacy. This bill would penalize drone trespass more than any other trespass.

A Mississippi [proposal](#) to criminalize drone trespass and make drone imaging an invasion of privacy whether or not there is a physical trespass died in committee, but another Mississippi [proposal](#) to prohibit peeping Tom activities specifically includes the use of drones.



## OBSERVATIONS

### Surveillance vs. Capture of Image/Information

With respect to the recording of persons, some state laws and proposals prohibit any capture of images or recordings while others prohibit surveillance by drones. Some states include both surveillance and capture. In many cases, however, the definition of surveillance is not included.

[NH HB 602](#) attempts to define surveillance as:

- (1) “The willful act of tracking or following while photographing, taking images of, listening to, or making a recording of a recognizable individual or a group of individuals, including their movements, activities, or communications; or
- (2) Photographing, taking images of, listening in, or making a recording in the interior of a building or structure in which there is a reasonable expectation of privacy.”

Surveillance can be defined as the systematic monitoring or investigation of some target and can include visual monitoring as well as sound beyond the human auditory range and to other parts of the electromagnetic spectrum. Surveillance generally will require some level of frequent, continual, or continuous image capture or recording and would need a degree of specificity in targeting.

The levels to which state drone laws and proposals define this area vary widely. Some states have proposed that commercial activities otherwise regulated by the state, including real estate, insurance, and surveying, not be included in the prohibition. These proposals would then exempt using drones in these state-regulated actions from any legal definition of surveillance. [Some](#) other drone prohibitions include a requirement that the drone recording be done without the knowledge of the person being recorded.

### Expectation of Privacy

A number of state drone privacy laws and proposals include the provision that the person being recorded or imaged has an expectation of privacy or a reasonable expectation of privacy. Understanding reasonable privacy expectations would enable commercial users of drones to comply with these drone privacy laws. One problem is that privacy is mostly legally defined in terms of law enforcement and Fourth Amendment, which may or may not be applicable to commercial use.

Another problem is that even legal experts cannot agree on what the term means with legal decisions identifying or misidentify what society recognizes as a reasonable expectation of privacy; nor will any determination remain constant. As the general public becomes more aware of widespread drone availability/capabilities and as private and commercial drone use increase, an individual's reasonable expectation of privacy from drone surveillance will be reduced.



This information has been compiled from numerous sources, including the NCSL Current Unmanned Aircraft State Law Landscape and the Institute for National Security and Counterterrorism at Syracuse University.

1. Arkansas [HB 1349](#) prohibits the use of drones for voyeurism and [HB 1770](#) prohibits the use of UAS to collect information about or photographically or electronically record information about critical infrastructure.
2. Alaska enacted [HB 255](#) creating procedures and standards for law enforcement's use of drones.
3. Florida [SB 766](#) prohibits the use of a drone to capture an image of privately owned property or the owner, tenant, or occupant of such property without consent if a reasonable expectation of privacy exists. Florida [SB 92](#) defines what a drone is and limits its use by law enforcement.
4. Hawaii [SB 661](#) creates a chief operating officer position for the Hawaii unmanned aerial systems test site.
5. Idaho's [SB 1134](#) requires warrants for drone use by law enforcement, establishes guidelines for use by private citizens, and provides civil penalties for damages caused by improper use.
6. Illinois enacted [SB 2937](#), creating regulations for how law enforcement can obtain and use information gathered from a private party's use of drones. In 2013, Illinois' [HB 1652](#) prohibited anyone from using a drone to interfere with hunters or fisherman, and [SB 1587](#) allowed drones to be used by law enforcement with a warrant.
7. Indiana's [HB 1009](#) creates warrant requirements and exceptions for the police use of drones and real-time geo-location tracking devices.
8. Iowa enacted [HF 2289](#), making it illegal for a state agency to use UAS to enforce traffic laws.
9. Louisiana [SB 183](#) Act No. 166 regulates the use of UAS in agricultural commercial operations. The state enacted [HB 1029](#), creating the crime of unlawful use of UAS. The new law defines the unlawful use of an unmanned aircraft system as the intentional use of a UAS to conduct surveillance of a targeted facility without the owner's prior written consent.
10. Maine [LD 25](#) requires law enforcement agencies to receive approval before acquiring UAS.
11. Maryland [SB 370](#) specifies that only the state can regulate drones, preempting county and municipal authority.
12. Michigan [SB 54](#) prohibits using UAS to interfere with or harass an individual who is hunting. [SB 55](#) prohibits using UAS to take game.
13. Mississippi [SB 2022](#) specifies that using a drone to commit peeping Tom activities is a felony.
14. Nevada [AB 239](#) regulates the operators of UAS and requires the creation of a registry of all UAS operated by public agencies in the state.
15. Montana's [SB 196](#) limits when information gained from the use of drones may be admitted as evidence in any prosecution or proceeding within the state.
16. New Hampshire [SB 222](#) prohibits the use of UAS for hunting, fishing, or trapping.





---

## STATE LAWS REGARDING UNMANNED AERIAL SYSTEMS – DRONES

17. North Carolina enacted [SB 744](#), creating regulations for the public, private, and commercial use of UAS. The new law prohibits any entity from conducting UAS surveillance of a person or private property and also prohibits taking a photo of a person without his or her consent for the purpose of distributing it. North Carolina [SB 402](#) placed a moratorium in 2013 on drone use by state and local personnel unless the use is approved by the Chief Information Officer for the Department of Transportation.
18. North Dakota [HB 1328](#) provides limitations for the use of UAS for surveillance.
19. Ohio enacted [HB 292](#), creating the Aerospace and Aviation Technology Committee.
20. Oregon [HB 2534](#) requires rules prohibiting the use of UAS for angling, hunting, trapping, or interfering with a person who is lawfully angling, trapping, or hunting. Oregon's [HB 2710](#) allows a law enforcement agency to operate a drone if it has a warrant and for enumerated exceptions, including for training purposes.
21. Tennessee [HB 153](#) prohibits using a drone to capture an image over certain open-air events and fireworks displays. The state enacted [SB 1777](#), which prohibits any private entity from using a drone to conduct video surveillance of a person who is hunting or fishing without their consent, and [SB 1892](#), which prohibits drone use to intentionally conduct surveillance of an individual or their property. Tennessee [SB 796](#) addresses the use of drones by law enforcement.
22. Texas [HB 3628](#) permits the creation of rules governing the use of UAS in the Capitol Complex: [HB 2167](#) permits individuals in certain professions to capture images used in those professions: and [HB 1481](#) criminalizes drone flights over a critical infrastructure facility. Texas passed [HB 912](#), which enumerates 19 lawful uses for unmanned aircraft, including their use in airspace designated as an FAA test site, their use in connection with a valid search warrant and their use in oil pipeline safety and rig protection. The law criminalizes the use of drones to capture images and possess or distribute them.
23. Utah [HB 296](#) allows a law enforcement agency to use UAS to collect data at a testing site and to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy.
24. Virginia [HB 2125](#) and [SB 1301](#) require that a law enforcement agency obtain a warrant before using a drone except in limited circumstances. Virginia's governor issued an executive order establishing a commission on UAS, and Virginia's attorney general issued an opinion, which is attached, that states may enact laws relating to drone privacy and property. Virginia's [HB 2012](#) and [SB 1331](#) prohibit drone use by any state agencies "having jurisdiction over criminal law enforcement or regulatory violations" or units of local law enforcement until July 1, 2015.
25. West Virginia HB 2515 prohibits hunting with UAS.
26. Utah enacted [SB 167](#), regulating the use of drones by state government entities.
27. Wisconsin enacted [SB 196](#), requiring law enforcement to obtain a warrant before using drones in a place where an individual has a reasonable expectation of privacy.

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">FL</a>	<a href="#">S0766</a>	LAW	Prohibiting using a drone to capture an image of privately owned real property or of the owner, tenant, occupant with the intent to conduct surveillance.	5/15/2015	Y	
<a href="#">LA</a>	<a href="#">SB 183</a>	LAW	Provides for the regulation of unmanned aerial systems in agricultural commercial operations.	6/23/2015	Y	
<a href="#">MN</a>	<a href="#">SF878</a>	LAW	Omnibus public safety finance and policy bill.	5/22/2015	N	
<a href="#">ND</a>	<a href="#">1328</a>	LAW	Provide for limitations on the use of an unmanned aerial vehicle for surveillance.	4/16/2015	Y	Y
<a href="#">OR</a>	<a href="#">HB2354</a>	LAW	Changes defined term "drone" to "unmanned aircraft system."	6/15/2015	N	
<a href="#">VA</a>	<a href="#">SB1301</a>	LAW	Drone use by public bodies; search warrant required. Replaces the moratorium.	4/30/2015	Y	

**These provisions were passed by Legislature but have not yet been enacted into law.**

<a href="#">AR</a>	<a href="#">HB1770</a>	Pass	To Restrict the Use of UAS and to Provide for Criminal Penalties and Civil Liability.	4/2/2015	Y	
<a href="#">AR</a>	<a href="#">HB1349</a>	Pass	Concerning the Use of an Unmanned Vehicle or Aircraft to Commit the Offense of Voyeurism or Video Voyeurism.	2/27/2015	Y	



## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">HI</a>	<a href="#">SB661</a>	Pass	To hire a Hawaii unmanned aerial systems test site chief operating officer.	7/6/2015	N	
<a href="#">LA</a>	<a href="#">SB183</a>	Pass	Provides for the regulation of unmanned aerial systems in agricultural commercial operations. (gov. sig)	6/23/2015	N	
<a href="#">MD</a>	<a href="#">SB370</a>	Pass	Providing that only the state may enact a law or take other action to prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems.	5/12/2015	Y	
<a href="#">ME</a>	<a href="#">LD25</a>	Pass	An Act to Regulate Domestic Unmanned Aerial Vehicle Use.	6/19/2015	Y	Y
<a href="#">MI</a>	<a href="#">SB0055</a>	Pass	Natural resources; hunting; use of unmanned vehicles or device for taking game or fish.	4/16/2015	N	
<a href="#">MI</a>	<a href="#">SB0054</a>	Pass	Natural resources; hunting; use of unmanned vehicles or devices to interfere with or harass another individual who is hunting or fishing.	4/16/2015	N	
<a href="#">MS</a>	<a href="#">SB2022</a>	Pass	To Prohibit "peeping Tom" Activities That Do Not Amount to Felonious Trespass; Surreptitious Photography of a Person's Body.	4/23/2015	Y	
<a href="#">MT</a>	<a href="#">HB330</a>	Pass	Establish standards for law enforcement use and acquisition of certain equipment.	4/23/2015	N	

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">NH</a>	<a href="#">SB222</a>	Pass	Relative to harassment of hunting, fishing, or trapping.	5/8/2015	N	
<a href="#">NM</a>	<a href="#">HM81</a>	Pass	Study protecting wildlife from drones.	3/6/2015	N	
<a href="#">NM</a>	<a href="#">SM91</a>	Pass	Study wildlife protection from drones.	3/5/2015	N	
<a href="#">NV</a>	<a href="#">AB239</a>	Pass	Trespass - < 250 feet twice and notice given.	6/2/2015	Y	
<a href="#">OR</a>	<a href="#">HB2534</a>	Pass	Adopt rules prohibiting use of drones for certain purposes related to pursuit of wildlife.	5/18/2015	N	
<a href="#">RI</a>	<a href="#">H5293</a>	Pass	House Resolution Creating a Commission to Study and Review Regulation of Drones.	6/25/2015	?	
<a href="#">TN</a>	<a href="#">HB0153</a>	Pass	Prohibits capture of images of an individual or event at an open-air event venue wherein more than 100 individuals could gather for an event.	4/30/2015	Y	
<a href="#">TX</a>	<a href="#">HB1481</a>	Pass	Relating to prohibiting the operation of an un-manned aircraft over certain facilities; creating a criminal offense.	6/19/2015	N	



## 2015 LEGISLATION

### 2015 Legislation

### Privacy? Govt only?

<a href="#">TX</a>	<a href="#">HB3628</a>	Pass	Relating to the adoption by the Department of Public Safety of rules governing the use of unmanned aircraft in the Capitol Complex; creating a criminal offense.	5/28/2015	N	
<a href="#">TX</a>	<a href="#">HB2167</a>	Pass	Relating to certain images captured by an unmanned aircraft.	6/9/2015	Y	

### These provisions were withdrawn, voted down, or died in committee.

<a href="#">AR</a>	<a href="#">HB1079</a>	With-drawn	Concerning the Use of an Unmanned Vehicle or Aircraft That Captures Images; To Create the Criminal Offenses; To Provide for Civil Liability.	2/6/2015	Y	
<a href="#">CO</a>	<a href="#">SB059</a>	Fail	Use of Unmanned Aerial Vehicles.	2/25/2015	N	Y
<a href="#">FL</a>	<a href="#">S1178</a>	Fail	Florida Privacy Act; specifying situations in or purposes for which it is lawful to capture an image with a drone.	5/1/2015	Y	
<a href="#">FL</a>	<a href="#">H0979</a>	Fail	Designates act as Florida Drone Privacy Act.	4/28/2015	Y	
<a href="#">ME</a>	<a href="#">LD482</a>	Fail	An Act to Prohibit Flying Over Land with Drones Without Written Permission from the Landowner.	4/21/2015	N	
<a href="#">MS</a>	<a href="#">HB347</a>	Fail	An Act to Regulate Use of Drones; To Provide Definitions; To Prohibit Any Person From Using a Drone to Capture Unauthorized Images.	2/3/2015	Y	

**2015 Legislation**

**Privacy? Govt only?**

		2015 Legislation	Privacy?	Govt only?	
<a href="#">MS</a>	<a href="#">HB719</a>	Fail An Act to Amend Section 49-7-147, Mississippi Code Of 1972, To Prohibit the Use of Unmanned Systems To Conduct Video Surveillance.	2/3/2015	Y	
<a href="#">MS</a>	<a href="#">HB1260</a>	Fail Drone Entering the Lands of Another Without Permission is Trespass, Reproducing the Image of Another Using a UAS Can Be an Invasion of Privacy.	2/3/2015	Y	
<a href="#">OR</a>	<a href="#">SB393</a>	Fail Changes defined term "drone" to "unmanned aerial system."	7/6/2015	N	
<a href="#">OR</a>	<a href="#">HB3160</a>	Fail Prohibiting use of drones for hunting, tracking as aid to hunting, harassing, locating, scouting for, or viewing certain animals.	7/6/2015	N	
<a href="#">TN</a>	<a href="#">HB0759</a>	Fail Only a duly registered land surveyor may lawfully use an unmanned aircraft for land surveying.	3/24/2015	N	
<a href="#">CA</a>	<a href="#">SB170</a>	En-gross Unmanned aircraft systems: correctional facilities.	7/14/2015	N	
<a href="#">CA</a>	<a href="#">AB56</a>	En-gross Unmanned aircraft systems.	7/16/2015	Y	Y
<a href="#">CA</a>	<a href="#">SB271</a>	En-gross Unmanned aircraft systems prohibited form data collection over schools.	7/16/2015	Y	



## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">CA</a>	<a href="#">A 856</a>	En-gross	Constructive invasion of privacy - attempts to capture, in a manner that is offensive to a reasonable person, a visual image or physical impression of a person engaging in a private, personal, or familial activity.	7/16/2015	Y	
<a href="#">CO</a>	<a href="#">HB1115</a>	En-gross	Use of Unmanned Aerial Vehicles.	5/5/2015		
<a href="#">CT</a>	<a href="#">SB00974</a>	En-gross	To establish standards, registration, and reporting requirements for the use of drones by law enforcement officers and other state employees.	6/2/2015	Y	
<a href="#">GA</a>	<a href="#">HR744</a>	En-gross	A RESOLUTION creating the House Study Committee on the Use of Drones; and for other purposes.	3/27/2015		
<a href="#">NC</a>	<a href="#">S446</a>	En-gross	Requirements pertaining to the collection, use, and retention of data by commercial drone licensees shall be established by the State Chief Information Officer.	8/18/2015	Y	
<a href="#">NJ</a>	<a href="#">A1039</a>	En-gross	Sets forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones.	5/18/2015	Y	Y
<a href="#">NM</a>	<a href="#">SB303</a>	En-gross	Freedom from unwarranted surveillance act.	3/18/2015	Y	
<a href="#">RI</a>	<a href="#">H5292</a>	En-gross	Grants authority in the state of Rhode Island, to the exclusion of municipalities, to regulate unpiloted aerial vehicles.	6/25/2015	N	

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">CA</a>	<a href="#">SB142</a>	En-gross *	Civil law: unmanned aerial vehicles - defines drone trespass.	7/15/2015	N	
<a href="#">IL</a>	<a href="#">SB0044</a>	En-gross	Amends the Fish and Aquatic Life Code. Defines the term "drone." Makes the use of a drone an illegal method of taking fish.	6/26/2015	N	
<a href="#">AZ</a>	<a href="#">HB2659</a>	Intro	Creates state committee to identify and study the beneficial uses of unmanned aerial vehicles in the agricultural industry.	3/31/2015	N	
<a href="#">CA</a>	<a href="#">AB14</a>	Intro	Unmanned aircraft systems: task force.	4/13/2015	N	
<a href="#">CA</a>	<a href="#">SB262</a>	Intro	Unmanned aircraft systems: law enforcement use.	5/12/2015	Y	Y
<a href="#">CA</a>	<a href="#">SB263</a>	Intro	Protective orders: use of an unmanned aircraft system to evade.	4/20/2015	N	
<a href="#">CA</a>	<a href="#">B142</a>	Intro	Drone flight lower than 350 feet over private property is wrongful occupation of real property.	4/20/2015	Y	
<a href="#">CA</a>	<a href="#">SB167</a>	Intro	Fires: criminalizes interference by unmanned aircraft.	8/17/2015	N	





## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">CA</a>	<a href="#">SJR18</a>	Intro	Requests FAA permission for drone use for water purposes.	7/16/2015	N	
<a href="#">CT</a>	<a href="#">SB00971</a>	Intro	To implement the program review and investigations committee recommendations concerning the criminal use of drones.	2/20/2015	Y	
<a href="#">CT</a>	<a href="#">SB00797</a>	Intro	To create standards for use and penalties for misuse of drones.	1/26/2015	?	
<a href="#">CT</a>	<a href="#">HB05380</a>	Intro	To gather information about the types and uses of drones.	1/14/2015	N	
<a href="#">DE</a>	<a href="#">HB 195</a>	Intro	Creates the crime of unlawful use of an unmanned aircraft system - flying over public events.	6/25/2015	N	
<a href="#">FL</a>	<a href="#">H0649</a>	Intro	Prohibits person, state agency, or political subdivision from using drones to capture image of privately owned real property or of owner without written consent.	4/27/2015	Y	
<a href="#">GA</a>	<a href="#">HB44</a>	Intro	Relating to the regulation of aeronautics, aircraft, and airports so as to provide for definitions; to prohibit the operation of unmanned aerial vehicles.	1/14/2015		
<a href="#">GA</a>	<a href="#">HB157</a>	Intro	To provide that no aircraft shall be operated in the airspace above private property extending from the surface up to a distance of 100 feet above the surface.	2/2/2015		

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">GA</a>	<a href="#">HB5</a>	Intro	Invasions of privacy, to provide for the lawful use of unmanned aircraft, to prohibit the capturing of certain images - 19 exemptions.	2/12/2015	Y	
<a href="#">HI</a>	<a href="#">HB636</a>	Intro	Aerospace advisory committee shall appoint a drone regulation temporary working group to study and report to the legislature on recommended legislation.	1/28/2015	Y	
<a href="#">HI</a>	<a href="#">HR133</a>	Intro	To Convene a Drone Policy Task Force and Recommend a Statewide Policy for Unmanned Aircraft that Protects Privacy Aircraft Systems for Public and Private Applications.	3/16/2015	Y	
<a href="#">HI</a>	<a href="#">HCR196</a>	Intro	To Convene a Drone Policy Task Force and Recommend a Statewide Policy for Unmanned Aircraft that Protects Privacy and allows the use of UAS for Public And Private Applications.	3/16/2015	Y	
<a href="#">HI</a>	<a href="#">HB637</a>	Intro	Amend the offenses of violation of privacy in the first and second degrees to specifically address the use of unmanned aerial vehicles.	1/28/2015	Y	
<a href="#">HI</a>	<a href="#">SB579</a>	Intro	Authorizes the use of unmanned aircraft systems by private, commercial, and law enforcement agencies to conduct surveillance.	2/20/2015	Y	Y
<a href="#">HI</a>	<a href="#">SB1329</a>	Intro	Creating the Freedom from Unwarranted Surveillance Act; defining the terms unmanned aircraft system.	2/2/2015	Y	Y
<a href="#">HI</a>	<a href="#">HB609</a>	Intro	Prohibits private surveillance or observation or photographs to sell, allows photos of public gatherings.	1/28/2015	Y	



## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">IA</a>	<a href="#">SF67</a>	Intro	A bill for an act prohibiting the use of automated or remote traffic law enforcement systems.	1/27/2015	N	
<a href="#">IL</a>	<a href="#">SB1371</a>	Intro	Amends the Wildlife Code. Defines the term "drone." Prohibits the use of a manned or un-manned vehicle to intentionally harass or disturb wild birds or mammals.	5/15/2015	N	
<a href="#">IL</a>	<a href="#">HB3996</a>	Intro	"Disorderly conduct" includes using a drone to "harass or conduct surveillance." Enters upon the property for a lewd or unlawful purpose.	3/27/2015	Y	
<a href="#">IL</a>	<a href="#">HB3421</a>	Intro	"Disorderly conduct" includes a person to knowingly operate any aerial vehicle...over any stadium, arena, or the real property or parking area of any stadium or arena, during times when more than 35 persons are present for an event.	3/27/2015	Y	
<a href="#">IL</a>	<a href="#">HB3699</a>	Intro	Hunter or fisherman interference by drone.	3/27/2015	N	
<a href="#">IN</a>	<a href="#">SB0442</a>	Intro	Makes it a Class C misdemeanor to: (1) engage in computer assisted remote hunting or provide or operate a computer assisted remote hunting facility.	1/12/2015	N	
<a href="#">KS</a>	<a href="#">HB2397</a>	Intro	Private drone use requires written approval from any private land owner upon whose land an unmanned aerial vehicle will be operated - no private entity shall collect or retain sensor data on any person.	3/4/2015	Y	
<a href="#">KY</a>	<a href="#">HB12</a>	Intro	Define "drone;" prohibit a law enforcement agency from using a drone to gather evidence or other information; provide exceptions.	1/6/2015	Y	Y

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">KY</a>	<a href="#">SB56</a>	Intro	Amend KRS 150.710 to include unmanned aerial vehicles as a prohibited means of obstructing or disrupting the lawful taking of wildlife.	2/3/2015	N	
<a href="#">MA</a>	<a href="#">S447</a>	Intro	For legislation relative to hunting with Unmanned Aerial Systems. Environment, natural resources, and agriculture.	4/15/2015	N	
<a href="#">MA</a>	<a href="#">S1835</a>	Intro	For legislation to regulate the use of unmanned aerial vehicles. Transportation.	4/15/2015	Y	Y
<a href="#">MA</a>	<a href="#">H1322</a>	Intro	Relative to the use of information derived from unmanned aerial vehicles as evidence in judicial, regulatory or other government proceedings.	1/20/2015	Y	Y
<a href="#">MD</a>	<a href="#">HB620</a>	Intro	Prohibiting, except under specified circumstances, a person from using a specified unmanned aircraft system to intentionally conduct surveillance.	3/19/2015	Y	
<a href="#">MI</a>	<a href="#">SB0432</a>	Intro	Unmanned aerial vehicles; prohibit operation near the Mackinac Bridge.	7/1/2015	N	
<a href="#">MI</a>	<a href="#">SB0433</a>	Intro	Aeronautics; other; definition of unmanned aerial vehicles; provide for. Amends sec. 3 of 1945 PA 327 (MCL 259.3). TIE BAR WITH: SB 0432'15.	7/1/2015	N	
<a href="#">MN</a>	<a href="#">SF1792</a>	Intro	Unmanned aerial cameras (drones) use by law enforcement agencies to gather evidence prohibition.	3/18/2015	Y	Y



## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">MN</a>	<a href="#">HF986</a>	Intro	Unmanned aerial camera usage to gather evidence by law enforcement agencies prohibited, and civil actions authorized.	2/19/2015	Y	Y
<a href="#">MN</a>	<a href="#">SF685</a>	Intro	Drones (unmanned aerial vehicles) law enforcement use regulation.	2/12/2015	Y	Y
<a href="#">MN</a>	<a href="#">SF686</a>	Intro	Drones (unmanned aerial vehicles) law enforcement use regulation; electronic devices location information government entities search warrant requirement.	2/12/2015	Y	Y
<a href="#">MN</a>	<a href="#">SF1299</a>	Intro	Drones, UAV (unmanned aerial vehicles), law enforcement use regulation.	3/25/2015	Y	Y
<a href="#">MN</a>	<a href="#">HF786</a>	Intro	Law enforcement surveillance technology classified.	2/12/2015	Y	Y
<a href="#">MN</a>	<a href="#">HF1197</a>	Intro	Unmanned aerial vehicle use by law enforcement regulated.		Y	Y
<a href="#">MN</a>	<a href="#">HF1194</a>	Intro	Search warrant required for use of unmanned aerial vehicles, and law enforcement required to secure search warrant to receive electronic device location information.	3/10/2015	Y	Y
<a href="#">MN</a>	<a href="#">HF1491</a>	Intro	Unmanned aerial vehicle use by law enforcement agencies regulated.	3/10/2015	Y	Y

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">MO</a>	<a href="#">HB931</a>	Intro	Expands the crime of invasion of privacy to include the use of a drone to photograph, film, videotape, produce, or otherwise create an image of another person without his or her consent.	4/1/2015	Y	
<a href="#">MO</a>	<a href="#">HB848</a>	Intro	Expands the crime of invasion of privacy to include the use of a drone to photograph, film, videotape, produce, or otherwise create an image of another person.	2/23/2015	Y	
<a href="#">MO</a>	<a href="#">HB370</a>	Intro	Establishes restrictions on the operation of unmanned aircraft.	1/20/2015	N	
<a href="#">MT</a>	<a href="#">HB586</a>	Intro	Revise laws related to aerial drones interference.	3/31/2015	N	
<a href="#">MT</a>	<a href="#">HB278</a>	Intro	Generally revise fish and game laws with respect to unmanned aerial vehicles.	2/27/2015	N	
<a href="#">MT</a>	<a href="#">HB593</a>	Intro	Establish the Montana unmanned model aerial vehicle act.	4/1/2015	N	
<a href="#">NC</a>	<a href="#">S446</a>	Intro	Commercial UAS operation requires a permit from and passing a test by the Division of Aviation of the Department of Transportation.	8/19/2015	?	
<a href="#">NC</a>	<a href="#">H4</a>	Intro	Clarify Unmanned Aircraft System Law.	5/5/2015	Y	



## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">NC</a>	<a href="#">S622</a>	Intro	UAS/No LEO Surveillance of Private Property.	3/30/2015	Y	Y
<a href="#">NH</a>	<a href="#">HB602</a>	Intro	Relative to the use of drones.	8/3/2015	Y	Y
<a href="#">NH</a>	<a href="#">HB240</a>	Intro	Prohibiting law enforcement agencies from using a drone to collect evidence.	8/4/2015	Y	Y
<a href="#">NJ</a>	<a href="#">S2310</a>	Intro	Sets forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones.	7/31/2014	Y	Y
<a href="#">NJ</a>	<a href="#">A2147</a>	Intro	Sets forth certain restriction regarding use of drones by law enforcement entities, forest fire departments, and entertainment venues.	1/16/2014	?	
<a href="#">NJ</a>	<a href="#">A4344</a>	Intro	Criminalizes using drones to conduct surveillance of or fly over critical infrastructures; requires certain drones to be registered and insured.*	6/4/2015	Y	
<a href="#">NJ</a>	<a href="#">A534</a>	Intro	Prohibits the use of drones by law enforcement entities.	1/16/2014	Y	Y
<a href="#">NJ</a>	<a href="#">A1164</a>	Intro	Establishes certain warrant requirements for law enforcement agencies that utilize drones.	1/16/2014	Y	Y

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">NM</a>	<a href="#">SB82</a>	Intro	No use of drones for hunting.	1/26/2015	N	
<a href="#">NY</a>	<a href="#">A06713</a>	Intro	Regulates the use of unmanned aerial vehicles by the state and political subdivisions thereof.	3/30/2015	Y	Y
<a href="#">NY</a>	<a href="#">A05435</a>	Intro	Prohibits the hunting or taking of wildlife with the aid of an unmanned aerial vehicle.	2/23/2015	N	
<a href="#">NY</a>	<a href="#">S01249</a>	Intro	Prohibits the hunting or taking of wildlife with the aid of an unmanned aerial vehicle.	1/9/2015	N	
<a href="#">NY</a>	<a href="#">A02683</a>	Intro	Relates to protection against unwarranted surveillance.	1/20/2015	Y	Y
<a href="#">NY</a>	<a href="#">S01841</a>	Intro	Relates to protection against unwarranted surveillance.	1/15/2015	Y	Y
<a href="#">NY</a>	<a href="#">A03597</a>	Intro	Criminalizes the intent to harass or annoy an individual or individuals; or operation below 100 feet above ground level on private property without the owner's consent	5/27/2015	N	
<a href="#">NY</a>	<a href="#">S00411</a>	Intro	No person shall use a drone to conduct surveillance/monitor any individual inside a home/closed confines of their property or other locations where a person would have an expectation of privacy.	1/7/2015	Y	





## 2015 LEGISLATION

2015 Legislation				Privacy?	Govt only?	
<a href="#">NY</a>	<a href="#">A01247</a>	Intro	Prohibit drone surveillance/monitor any individual in a home/closed confines of their property or other locations where a person would have an expectation of privacy.	1/8/2015	Y	
<a href="#">OH</a>	<a href="#">HB218</a>	Intro	Regulate the operation of drones near airports and to impose certain record-keeping requirements on retail sellers of drones.	5/26/2015	N	
<a href="#">OH</a>	<a href="#">HB228</a>	Intro	Drones used to commit offenses-seizure allowed.	5/26/2015	N	
<a href="#">OK</a>	<a href="#">HB1295</a>	Intro	Aircraft; creating the Oklahoma Unmanned Aerial Surveillance Act; effective date.	2/3/2015	Y	Y
<a href="#">OK</a>	<a href="#">SB503</a>	Intro	Misdemeanor to use a drone to photograph, record, or otherwise observe another individual in a place where the individual has a reasonable expectation of privacy.	2/3/2015	Y	
<a href="#">OK</a>	<a href="#">SB492</a>	Intro	Torts; providing civil immunity for damage or destruction of a drone on personal property.	3/11/2015	N	
<a href="#">PA</a>	<a href="#">HR295</a>	Intro	A resolution urging the Federal Aviation Administration to promulgate regulations and rules to protect Americans from the use of drones capable of inflicting harm or invading privacy.	4/27/2015	Y	
<a href="#">PA</a>	<a href="#">SB971</a>	Intro	An act regulating unmanned aircraft in Pennsylvania.	8/7/2015	N	

**2015 Legislation**

**Privacy? Govt only?**

<a href="#">RI</a>	<a href="#">H5454</a>	Intro	Prohibits law enforcement from using unmanned aerial vehicles without a proper warrant.	3/31/2015	Y	Y
<a href="#">RI</a>	<a href="#">S0179</a>	Intro	Prohibits law enforcement from using Unmanned Aerial Vehicles without a proper warrant.	3/24/2015	Y	Y
<a href="#">RI</a>	<a href="#">H5453</a>	Intro	Establishes registration requirements - criminalizes the invasion of privacy to look into an occupied dwelling house or other building.	3/31/2015	Y	
<a href="#">SC</a>	<a href="#">S0498</a>	Intro	Drone with a camera/recording device that enters upon or above the lands of another, without the consent of the owner, is a misdemeanor.	5/1/2015	Y	
<a href="#">SC</a>	<a href="#">H3510</a>	Intro	Prohibit the Operation of a Public Drone and the Disclosure of Personal Information Acquired Through the Operation of a Public Unmanned Aircraft System.	2/4/2015	Y	Y
<a href="#">TN</a>	<a href="#">HB0486</a>	Intro	Visual image, sound recording, or other physical impression of a person engaging in a personal or familial activity under circumstances in which the person had a reasonable expectation of privacy.	3/11/2015	Y	
<a href="#">TN</a>	<a href="#">SB0991</a>	Intro	Capture of image/physical impression of the person engaging in a personal or familial activity; invades the person's privacy in a manner that is offensive to a reasonable person.	2/18/2015	Y	
<a href="#">TX</a>	<a href="#">HB3429</a>	Intro	Relating to the establishment of an unmanned aircraft program in the office of the governor.	4/22/2015	N	



## 2015 LEGISLATION

### 2015 Legislation

Privacy? Govt only?

<a href="#">TX</a>	<a href="#">HB4043</a>	Intro	Relating to the establishment of an unmanned ground vehicle pilot program at the Capitol Complex to employ veterans with a service-connected disability.	3/24/2015	N	
--------------------	------------------------	-------	--	-----------	---	--

### RESOLUTIONS

AK	Created UAS Legislative Task Force	2013
IN	UAS Legislative Study Council	2013
TX	Legislative Procedures needed to enact drone laws	2013
AL	Recognizing benefits of a UAS industry	2013
CA	Recognizing benefits of a UAS industry	2013
GA	Recognizing benefits of a UAS industry	2013
ID	Recognizing benefits of a UAS industry	2013
MI	Recognizing benefits of a UAS industry	2013
ND	Recognizing benefits of a UAS industry	2013
NV	Recognizing benefits of a UAS industry	2013

### NEW ORGANIZATIONS - APPROPRIATIONS

HI	\$100,000 for advanced aviation staff	2013
MD	\$500,000 for UAS test site	2013
NV	\$4 million for Governor's Office of UAV Development	2013
ND	\$1 million to pursue FAA UAS test site	2013
OH	Aerospace and Aviation Technology Committee	2014



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

July 13, 2015

The Honorable Scott A. Surovell  
Member, House of Delegates  
Post Office Box 289  
Mount Vernon, Virginia 22121

Dear Delegate Surovell:

I am responding to your request for an official advisory Opinion in accordance with § 2.2-505 of the *Code of Virginia*.

**Issue Presented**

You ask whether the Commonwealth or its localities may regulate the use of drones, or whether such actions are preempted by federal law.

**Background**

Drones, otherwise known as unmanned aircraft systems, have in recent years become popular tools for scientific researchers, entrepreneurs, military personnel, and civilian hobbyists alike. Technology is rapidly expanding the numerous ways drones can be used. These developments have raised concerns about the possible misuse of drones, as well as questions regarding the extent of state and local authority to regulate their use.

**Applicable Law and Discussion**

I. The Supremacy Clause and Federal Preemption

The Supremacy Clause of the Constitution of the United States declares that the “Constitution, and the Laws of the United States . . . shall be the supreme Law of the Land,” notwithstanding the laws of any state to the contrary.<sup>1</sup> For purposes of the Supremacy Clause, “local ordinances [are] analyzed in the same way as . . . statewide laws.”<sup>2</sup> Thus, to the extent that state or local laws or ordinances conflict with federal law, they are preempted by federal law.<sup>3</sup>

<sup>1</sup> U.S. CONST. art. VI, cl. 2.

<sup>2</sup> *Hillsborough Cnty. v. Automated Med. Labs., Inc.*, 471 U.S. 707, 713 (1985).

<sup>3</sup> See *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 211 (1824) (stating that in every case where state law conflicts with federal law, the federal law is supreme, and “the law of the state, though enacted in the exercise of powers not controverted, must yield to it”).



Honorable Scott A. Surovell  
July 13, 2015  
Page 2

Courts have identified three types of federal preemption. “Express preemption” occurs when Congress has clearly stated or conveyed the intention that federal law shall preempt state law.<sup>4</sup> “Conflict preemption” occurs when a state law is in direct conflict with federal law, such that “compliance with both federal and state [laws] is a physical impossibility,”<sup>5</sup> or when state law “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.”<sup>6</sup> Finally, “field preemption” occurs when there is a “scheme of federal regulation . . . so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it.”<sup>7</sup> When a subject is field preempted, any state law falling within the scope of the field is preempted and is invalid.

The types of federal preemption that are relevant to your inquiry are express preemption and field preemption. I will discuss both in turn.

### II. Express Preemption

The only federal law that expressly preempts state and local laws regarding aviation is found in the Airline Deregulation Act of 1978 (the “Deregulation Act”).<sup>8</sup> Under the Deregulation Act, no state may “enact or enforce a law, regulation, or other provision . . . related to a price, route, or service of an air carrier that may provide air transportation.”<sup>9</sup> The Deregulation Act defines an “air carrier” as “a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.”<sup>10</sup> It defines “air transportation,” in turn,<sup>11</sup> to include the interstate “transportation of passengers *or property* by aircraft as a common carrier for compensation.”<sup>12</sup> A drone qualifies as an “aircraft” under the Act’s broad definition of the term.<sup>13</sup> Accordingly, to the extent a drone is used commercially to transport property for compensation across state lines, the Deregulation Act preempts any state regulation related to its price, routes, or services.

### III. Field Preemption

The federal government has asserted exclusive sovereignty over the airspace of the United States.<sup>14</sup> In 1958, Congress passed the Federal Aviation Act (the “Aviation Act”),<sup>15</sup> which created the

<sup>4</sup> *Sprietsma v. Mercury Marine*, 537 U.S. 51, 62-63 (2002); *see also Dugan v. Childers*, 261 Va. 3, 8-11 (2001) (holding that a Virginia statute was expressly preempted by federal law).

<sup>5</sup> *Fla. Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142-43 (1963); *see also Marett v. Hillman*, 283 Va. 34, 40 (2012), *aff’d*, 133 S. Ct. 1943 (2013).

<sup>6</sup> *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941); *see also Gustafson v. City of Lake Angelus*, 76 F.3d 778, 782-83 (6th Cir. 1996).

<sup>7</sup> *Fidelity Fed. Sav. & Loan Ass’n v. De la Cuesta*, 458 U.S. 141, 153 (1982) (quoting *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947)) (internal quotation marks omitted); *see also Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 300 (1998); *Gustafson*, 76 F.3d at 782.

<sup>8</sup> Pub. L. No. 95-504, 92 Stat. 1705 (codified as amended in scattered sections of 49 U.S.C.).

<sup>9</sup> 49 U.S.C.S. § 41713(b)(1) (LexisNexis through P.L. 114-11).

<sup>10</sup> 49 U.S.C.S. § 40102(a)(2) (LexisNexis through P.L. 114-11).

<sup>11</sup> 49 U.S.C.S. § 40102(a)(5).

<sup>12</sup> 49 U.S.C.S. § 40102(a)(25) (emphasis added).

<sup>13</sup> *See* 49 U.S.C. § 40102(a)(6) (defining the term “aircraft” as “any contrivance invented, used, or designed to navigate, or fly in, the air”).

<sup>14</sup> 49 U.S.C.S. § 40103(a)(1) (LexisNexis through P.L. 114-11) (“The United States Government has exclusive sovereignty of airspace of the United States.”).

<sup>15</sup> Pub. L. No. 85-726, 72 Stat. 731 (repealed and recodified in scattered sections of 49 U.S.C.).

Honorable Scott A. Surovell  
July 13, 2015  
Page 3

Federal Aviation Administration (“FAA”) and vested in it the power to “frame rules for the safe and efficient use of the nation’s airspace.”<sup>16</sup> Among other things, the Aviation Act provides the FAA with broad authority to regulate air safety, the operation of aircraft, and the use of navigable airspace (i.e., airspace management).<sup>17</sup> As the primary federal body responsible for the oversight of aviation, the FAA has issued extensive federal regulations on these topics pursuant to its authority under the Aviation Act.<sup>18</sup>

Courts have consistently found that the Aviation Act “preempts the entire field of aviation safety.”<sup>19</sup> Congressional intent “to displace state law is implicit in the pervasiveness of the federal regulations, the dominance of the federal interest in this area, and the legislative goal of establishing a single, uniform system of control over air safety.”<sup>20</sup> Courts have likewise found that the Aviation Act preempts the entire fields of aircraft operation<sup>21</sup> and airspace management.<sup>22</sup> Therefore, state and local governments may not enact laws purporting to regulate these areas. Examples of preempted regulations include, but are not limited to, regulations that govern aircraft altitude,<sup>23</sup> flight paths,<sup>24</sup> or noise.<sup>25</sup>

The Aviation Act applies to all “aircraft,” which it broadly defines as “any contrivance invented, used, or designed to navigate, or fly in, the air.”<sup>26</sup> For the past nine years, the FAA has consistently treated drones as “aircraft” in guidance documents, policy statements, and internal memoranda.<sup>27</sup> And the

---

<sup>16</sup> Air Line Pilots Ass’n Int’l v. Quesada, 276 F.2d 892, 894 (2d Cir. 1960).

<sup>17</sup> 49 U.S.C.S. §§ 44701; 40101(d)(4); 40103(b)(1) (LexisNexis through P.L. 114-11).

<sup>18</sup> See generally Title 14 of the Code of Federal Regulations.

<sup>19</sup> Montalvo v. Spirit Airlines, 508 F.3d 464, 468 (9th Cir. 2007); Greene v. B.F. Goodrich Avionics Sys. Inc., 409 F.3d 784, 795 (6th Cir. 2005); Abdullah v. Am. Airlines, Inc., 181 F.3d 363, 365 (3d Cir. 1999); In re Air Crash Near Clarence Ctr., N. Y., 798 F. Supp. 2d 481, 486 (W.D.N.Y. 2011); Med-Trans Corp. v. Benton, 581 F. Supp. 2d 721, 740 (E.D.N.C. 2008); Banner Adver., Inc. v. City of Boulder, 868 P.2d 1077, 1083-84 (Colo. 1994).

<sup>20</sup> Montalvo, 508 F.3d at 473. Based on this rationale, courts have invalidated not only direct safety regulations, but also state laws that merely implicate aviation safety concerns. See, e.g., Ventress v. Japan Airlines, 747 F.3d 716, 722 (9th Cir. 2014) (employment regulations preempted); U.S. Airways, Inc. v. O’Donnell, 627 F.3d 1318, 1326 (10th Cir. 2010) (on-board alcohol regulations preempted); French v. Pan Am Express, Inc., 869 F.2d 1, 6-7 (1st Cir. 1989) (state pilot qualifications preempted).

<sup>21</sup> City of Cleveland, Ohio v. City of Brook Park, Ohio, 893 F. Supp. 742, 750 (N.D. Ohio 1995) (field of aircraft operation and navigation preempted).

<sup>22</sup> Big Stone Broad., Inc. v. Lindbloom, 161 F. Supp. 2d 1009, 1016 (D.S.D. 2001) (field of airspace management preempted).

<sup>23</sup> Allegheny Airlines, Inc. v. Village of Cedarhurst, 238 F.2d 812, 815 (2d Cir. 1956) (local regulation of the altitude of aircraft take-offs and landings preempted); cf. Gustafson, 76 F.3d at 786 (a local ordinance pertaining to landing a seaplane on a lake was not preempted, because the “FAA does not believe Congress expressly or impliedly meant to preempt regulation of local land or water use”).

<sup>24</sup> Skysign Int’l v. City & Cnty. of Honolulu, 276 F.3d 1109, 1117 (9th Cir. 2002).

<sup>25</sup> Am. Airlines, Inc. v. Hempstead, 398 F.2d 369, 376 (2d Cir. 1968) (local noise ordinance preempted).

<sup>26</sup> 49 U.S.C.S. § 40102(a)(6) (LexisNexis through P.L. 114-11).

<sup>27</sup> Unmanned Aircraft Operations in the National Airspace System, 72 Fed. Reg. 6689, 6690 (Feb. 13, 2007), available at <http://www.gpo.gov/fdsys/pkg/FR-2007-02-13/html/E7-2402.htm> (last visited May 18, 2015); FED. AVIATION ADMINISTRATION, INTERIM OPERATIONAL APPROVAL GUIDANCE 08-01, UNMANNED AIRCRAFT SYSTEMS OPERATIONS IN THE U.S. NATIONAL AIRSPACE SYSTEM at 4 (March 13, 2008), available at [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/systemops/aaim/organizations/uas/coa/faq/media/uas\\_guidance08-01.pdf](http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/aaim/organizations/uas/coa/faq/media/uas_guidance08-01.pdf) (last visited May 18, 2015); FED. AVIATION ADMINISTRATION, AFS-400 UAS



## 2015 LEGISLATION

Honorable Scott A. Surovell  
July 13, 2015  
Page 4

National Transportation Safety Board recently affirmed the FAA's interpretation that drones fall under the definition of "aircraft" in the Aviation Act and are, therefore, subject to FAA regulation.<sup>28</sup>

Furthermore, in 2012 Congress passed the FAA Modernization and Reform Act ("FMRA"), which deals directly with the federal regulation of drones.<sup>29</sup> The FMRA directs the FAA to issue a set of federal regulations to "safely accelerate the integration of [civilian drones] into the national airspace."<sup>30</sup> Under that directive, the FAA must create standards for the "operation and certification" of drones,<sup>31</sup> as well as the registration and licensing of drone pilots and operators.<sup>32</sup> In 2013, the FAA issued a "roadmap," which anticipates that forthcoming drone regulations will establish airworthiness certification standards for drones, standards for the acceptable operation of drones, and standards for training drone pilots and other members of the aviation community who will work with drones (such as mechanics, air traffic controllers, visual observers, and launch/recovery specialists).<sup>33</sup> Recently this year, the FAA issued a notice of proposed rulemaking<sup>34</sup> setting forth proposed regulations for small civilian drones.<sup>35</sup> These proposed regulations address many of the specifics pertaining to the operation of small drones, operational limitations and requirements, a prohibition on night-time operations, establishment of a maximum airspeed and altitude, and operator certification requirements and responsibilities.

It is therefore clear from both the FMRA and the Aviation Act that Congress intends to occupy the fields of drone safety, operation, and airspace management—including specific standards governing drone certification and the training and licensure of drone pilots. For this reason, I conclude that state and local governments are preempted from enacting regulation targeted to these areas, with certain exceptions.

---

POLICY MEMO 05-01, UNMANNED AIRCRAFT SYSTEMS OPERATIONS IN THE U.S. NATIONAL AIRSPACE SYSTEM – INTERIM OPERATIONAL APPROVAL GUIDANCE, at 2 & 3 (Sept. 16, 2005) (internal memorandum).

<sup>28</sup> Huerta v. Pirker, N.T.S.B. Order EA-5730 (2014), *available at* [http://c.ybcdn.com/sites/www.mapps.org/resource/resmgr/Docs/NTSB\\_Order\\_EA\\_5730.pdf](http://c.ybcdn.com/sites/www.mapps.org/resource/resmgr/Docs/NTSB_Order_EA_5730.pdf) (last visited May 18, 2015). In the *Pirker* case, the appellee flew a small drone through the streets of Charlottesville, Virginia, in order to record images for use in a promotional video. Based on the manner in which the drone had been operated, Mr. Pirker was fined \$10,000 by the FAA for flying an aircraft in a careless or reckless manner, which is prohibited by 14 C.F.R. § 91.13(a). Although an administrative law judge had determined that the drone at issue did not meet the definition of "aircraft" within the meaning of the Federal Aviation Act, the National Transportation Board disagreed, reversing the decision of the law judge and reinstating the fine against Mr. Pirker. *See id.*

<sup>29</sup> Pub. L. No. 112-95, 126 Stat. 72 (enacted Feb. 14, 2012) (to be codified in scattered sections of 49 U.S.C.).

<sup>30</sup> *Id.* at § 332(a)(1).

<sup>31</sup> *Id.* at § 332(a)(2)(A)(i).

<sup>32</sup> *Id.* at § 332(a)(2)(A)(iii).

<sup>33</sup> *See* FED. AVIATION ADMINISTRATION, INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS (UAS) IN THE NATIONAL AIRSPACE SYSTEM (NAS) ROADMAP (1st ed. 2013). To complement the FAA Roadmap, the federal Joint Planning and Development Office simultaneously issued a "Comprehensive Plan" regarding the integration of civilian drones into the national airspace. *See* JOINT PLANNING AND DEVELOPMENT OFFICE, UNMANNED AIRCRAFT SYSTEMS (UAS) COMPREHENSIVE PLAN: A REPORT OF THE NATION'S UAS PATH FORWARD (Sept. 2013).

<sup>34</sup> Operation and Certification of Small Unmanned Aircraft Systems, 80 Fed. Reg. 9544 (proposed Feb. 23, 2015) (to be codified at 14 CFR pts. 21, 43, 45, 47, 61, 91, 101, 107, and 183).

<sup>35</sup> Small drones are defined as those that weigh less than 55 pounds. Pub. L. No. 112-95, 126 Stat. 72, § 331(6).

Honorable Scott A. Surovell  
July 13, 2015  
Page 5

One exemption from the field preemption created by the Aviation Act and FMRA is for regulations that pertain to certain “model aircraft.” That term encompasses some drones.<sup>36</sup> The FMRA prohibits the FAA from promulgating any regulations governing model aircraft that: (1) are used solely for recreational purposes; (2) are operated in accordance with a community-based set of safety guidelines, (3) weigh less than 55 pounds, (4) are operated in a manner so as not to interfere with manned aircraft, and (5) if flown within five miles of an airport, are operated by an individual who has given the aircraft operator and air traffic control tower prior notice of the operation.<sup>37</sup> The FAA retains the authority, however, to enact and enforce regulations to ensure that these model aircraft do not “endanger the safety of the national airspace system.”<sup>38</sup> Given the explicit “carve out” for model aircraft, it is my opinion that state and local regulations governing these types of small craft are not preempted, as long as those regulations do not conflict with either the language or purpose of existing federal law and regulations.<sup>39</sup>

Another exemption from the field preemption created by the Aviation Act and FMRA is for laws related to privacy and property regulation.<sup>40</sup> In addition, criminal statutes—even when the subject of the prohibited conduct is regulated under federal law—have generally been held not to be preempted under federal law.<sup>41</sup> And although the standard of care for a tort action relating to a preempted subject is generally governed by federal law, the ability to bring the state cause of action survives.<sup>42</sup> Finally,

---

<sup>36</sup> Pub. L. No. 112-95, 126 Stat. 72, § 336(a). The term “model aircraft” encompasses any “unmanned aircraft” that is: (1) capable of sustained flight in the atmosphere; (2) flown within the visual sight of the person operating the aircraft; and (3) flown for hobby or recreational—rather than commercial—purposes. *Id.* at § 336(c).

<sup>37</sup> *Id.* at § 336(a).

<sup>38</sup> *Id.* at § 336(b).

<sup>39</sup> See *Goodspeed Airport L.L.C. v. E. Haddam Inland Wetlands & Watercourses Comm’n*, 634 F.3d 206, 209 & 211 (2d Cir. 2011).

<sup>40</sup> The FAA has not enacted comprehensive regulations pertaining to the privacy considerations that might be associated with drone operations, noting, instead, that states and localities are free to enact regulations addressing these issues. See, e.g., *Unmanned Aircraft System Test Site Program*, 78 Fed. Reg. 68360, 68362 (Nov. 14, 2013) (“[I]f [drone] operations at a Test Site raise privacy concerns that are not adequately addressed by the Test Site’s privacy policies, elected officials can weigh the benefits and costs of additional privacy laws or regulations.”); see also 80 Fed. Reg. 9544, 9552 (Feb. 23, 2015) (“[S]tate law and other legal protections for individual privacy may provide recourse for a person whose privacy may be affected through another person’s use of a [drone].”). President Obama has, however, issued a Presidential Memorandum imposing privacy-related requirements on federal agencies that use drones, and a recent request for public comment from the National Telecommunications and Information Administration indicates that additional privacy regulations regarding civilian drones may be forthcoming. See Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems (Feb. 15, 2015), 80 Fed. Reg. 9355 (Feb. 20, 2015); Privacy, Transparency, and Accountability Regarding Commercial and Private Use of Unmanned Aircraft Systems, 80 Fed. Reg. 11978 (Mar. 5, 2015) (requesting, in accordance with the presidential memorandum, public comment on a variety of privacy issues related to drone operations).

<sup>41</sup> See, e.g., *Crenshaw v. Commonwealth*, 219 Va. 38, 40-41 (1978) (holding that a conviction for unlawfully operating a car with a radar detector was not preempted by the Federal Communications Act); *Hall v. Commonwealth*, 129 Va. 738, 748 (1951) (upholding a speeding citation given to a federal employee delivering the mail); *Huver v. Commonwealth*, No. 0276-08-4, 2009 Va. App. LEXIS 97, at \*10 (Mar. 10, 2009) (holding that the National Firearms Registration Act did not preempt a Virginia statute prohibiting the possession of unregistered weapons); *People v. Valenti*, 153 Cal. App. 3d Supp. 35, 40 (App. Dep’t Super. Ct. 1984) (holding that a California state criminal statute prohibiting the reckless operation of an airplane was not preempted by federal law).

<sup>42</sup> See, e.g., *Krantz v. Air Line Pilots Ass’n*, 245 Va. 202, 209 (1993) (holding that a state tort claim for intentional interference with a prospective employment contract was not preempted by the Railway Labor Act).





Honorable Scott A. Surovell  
July 13, 2015  
Page 6

although the “United States Government has exclusive sovereignty of airspace of the United States,”<sup>43</sup> a private landowner has a vested property interest in the “superadjacent airspace” just above the surface of the land.<sup>44</sup>

I offer no opinion as to whether any *particular* state or local regulation is preempted by federal law, and I note further that the potential scope of federal preemption may change as Congress and the FAA continue to develop regulations pertaining to drones.<sup>45</sup>

### Conclusion

Accordingly, it is my opinion that the federal Deregulation Act expressly preempts state or local regulation of the routes, rates, and services of commercial drones used to transport property across state lines. Furthermore, the Aviation Act and FMRA preempt state and local regulation of drone safety, operational standards, and airspace designations, including particular issues relating to drone certification, training, and licensure. There are certain exceptions to federal preemption, as discussed above.

States remain free to enact laws relating to drones if the laws fall outside the scope of the Aviation Act and FMRA and do not conflict with other federal laws or regulations. In particular, states may regulate small drones that are exempted from federal regulation under the FMRA, and they may also enact laws for drones that address issues of privacy and property and also criminal offenses, so long as the laws do not conflict with the language or purpose of any existing federal aviation law.

With kindest regards, I am

Very truly yours,

Mark R. Herring  
Attorney General

---

<sup>43</sup> 49 U.S.C. § 40103(a)(1).

<sup>44</sup> United States v. Causby, 328 U.S. 256, 265 (1946).

<sup>45</sup> See *supra* note 40.

### Page 2

1. **Presidential Memorandum:** <https://www.whitehouse.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua>
2. **Notice of proposed rule making:** [https://www.faa.gov/regulations\\_policies/rulemaking/recently\\_published/media/2120-AJ60\\_NPRM\\_2-15-2015\\_joint\\_signature.pdf](https://www.faa.gov/regulations_policies/rulemaking/recently_published/media/2120-AJ60_NPRM_2-15-2015_joint_signature.pdf)

### Page 3

3. **Catalog:** <http://www.peta.org/blog/hunters-watch-out-petas-drones-are-flying/>

### Page 4

4. **Provision:** <https://legiscan.com/gaits/search?state=LA&bill=183>
5. **S466:** <https://legiscan.com/NC/bill/S466/2015> (also listed on pages 13 and 22)
6. **Bill:** [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB142](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB142)
7. **Law:** [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=1708.8](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1708.8)
8. **Proposal (1):** <https://legiscan.com/MS/text/HB1260/2015>
9. **Proposal (2):** <https://legiscan.com/MS/text/SB2022/2015>

### Page 5

10. **NH HB602:** <https://legiscan.com/NH/text/HB602/2015>
11. **Some:** <https://legiscan.com/AR/text/HB1349/2015>

### Page 6

12. **HB1349:** <http://www.arkleg.state.ar.us/assembly/2015/2015R/Pages/BillInformation.aspx?measureno=hb1349>
13. **HB1770:** <http://www.arkleg.state.ar.us/assembly/2015/2015R/Pages/BillInformation.aspx?measureno=hb1770>
14. **HB225:** [http://www.legis.state.ak.us/basis/get\\_bill.asp?session=28&bill=hb255&submit=Display+Bill](http://www.legis.state.ak.us/basis/get_bill.asp?session=28&bill=hb255&submit=Display+Bill)
15. **SB766:** <http://www.flsenate.gov/Session/Bill/2015/0766>
16. **SB92:** <http://www.flsenate.gov/Session/Bill/2013/0092/>
17. **SB661:** [http://www.capitol.hawaii.gov/session2015/bills/SB661\\_CD1\\_.pdf](http://www.capitol.hawaii.gov/session2015/bills/SB661_CD1_.pdf)
18. **SB1134:** <http://legislature.idaho.gov/legislation/2013/S1134PrinterFriendly.htm>
19. **SB2937:** <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=098-0831>
20. **HB1652:** <http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1652&GAID=12&DocTypeID=HB&SessionID=85&GA=98>
21. **SB1587:** <http://ilga.gov/legislation/billstatus.asp?DocNum=1587&GAID=12&GA=98&DocTypeID=SB&LegID=72407&SessionID=85>
22. **HB1009:** <http://iga.in.gov/legislative/2014/bills/house/1009/>
23. **HF2289:** <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?Category=BillInfo&Service=Billbook&menu=text&ga=85&hbill=HF2289>
24. **SB183:** <http://www.legis.la.gov/legis/ViewDocument.aspx?d=960033>
25. **HB1029:** <https://www.legis.la.gov/legis/BillInfo.aspx?i=225269>
26. **LD25:** <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280054065>
27. **SB370:** <https://legiscan.com/MD/bill/SB370/2015>
28. **SB54:** <https://www.legislature.mi.gov/documents/2015-2016/publicact/pdf/2015-PA-0012.pdf>
29. **SB55:** <https://www.legislature.mi.gov/documents/2015-2016/publicact/pdf/2015-PA-0013.pdf>
30. **SB2022:** <https://www.legislature.mi.gov/documents/2015-2016/publicact/pdf/2015-PA-0013.pdf>
31. **AB239:** <https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1672/Overview>
32. **SB196:** <http://leg.mt.gov/bills/2013/billpdf/SB0196.pdf>

### Page 7

33. **SB222:** <http://www.gencourt.state.nh.us/legislation/2015/SB0222.pdf>
34. **SB744:** <http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2013&BillID=s744>
35. **SB402:** <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2013&BillID=s402>
36. **HB1328:** <http://www.legis.nd.gov/assembly/64-2015/documents/15-0259-05000.pdf?20150501154934>
37. **HB292:** [http://archives.legislature.state.oh.us/bills.cfm?ID=130\\_HB\\_292](http://archives.legislature.state.oh.us/bills.cfm?ID=130_HB_292)
38. **HB2534:** <https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/HB2534>
39. **HB2710:** <https://www.oregonlegislature.gov>
40. **HB153:** <http://state.tn.us/sos/acts/109/pub/pc0240.pdf>
41. **SB1777:** <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB1777>
42. **SB1892:** <http://www.capitol.tn.gov/Bills/108/Bill/SB1892.pdf>
43. **SB796:** <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0796>
44. **HB3628:** <https://legiscan.com/TX/bill/HB3628/2015>
45. **HB2167:** <https://legiscan.com/TX/bill/HB2167/2015>
46. **HB1481:** <https://legiscan.com/TX/bill/HB1481/2015>
47. **HB912:** <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=83R&Bill=HB912>
48. **HB296:** <http://le.utah.gov/~2015/bills/static/HB0296.html>
49. **HB2125:** <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=151&typ=bil&val=hb2125>
50. **SB1301:** <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=151&typ=bil&val=sb1301>
51. **HB2012:** <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=131&typ=bil&val=hb2012>
52. **SB1331:** <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+SB1331>
53. **SB167:** <http://le.utah.gov/~2014/bills/static/SB0167.html>
54. **SB196:** <http://leg.mt.gov/bills/2013/billpdf/SB0196.pdf>

### Page 8

55. **FL:** <https://legiscan.com/FL>
56. **S0766:** <https://legiscan.com/FL/bill/S0766/2015>
57. **LA:** <https://legiscan.com/LA>
58. **SB183:** <https://legiscan.com/LA/bill/SB183/2015>
59. **MN:** <https://legiscan.com/MN>
60. **SF878:** <https://legiscan.com/MN/bill/SF878/2015>
61. **ND:** <https://legiscan.com/ND>
62. **1328:** <https://legiscan.com/ND/bill/1328/2015>
63. **OR:** <https://legiscan.com/OR>
64. **HB2354:** <https://legiscan.com/OR/bill/HB2354/2015>
65. **VA:** <https://legiscan.com/VA>
66. **SB1301:** <https://legiscan.com/VA/bill/SB1301/2015>
67. **AR:** <https://legiscan.com/AR>
68. **HB1770:** <https://legiscan.com/AR/bill/HB1770/2015>
69. **HB1349:** <https://legiscan.com/AR/bill/HB1349/2015>

### Page 9

70. **HI:** <https://legiscan.com/HI>
71. **SB661:** <https://legiscan.com/HI/bill/SB661/2015>
72. **LA:** <https://legiscan.com/LA>
73. **SB183:** <https://legiscan.com/LA/bill/SB183/2015>
74. **MD:** <https://legiscan.com/MD>
75. **SB370:** <https://legiscan.com/MD/bill/SB370/2015>
76. **ME:** <https://legiscan.com/ME>
77. **LD25:** <https://legiscan.com/ME/bill/LD25/2015>
78. **MI:** <https://legiscan.com/MI>
79. **SB0055:** <https://legiscan.com/MI/bill/SB0055/2015>



## DOCUMENT LINKS

- 80. **SB0054:** <https://legiscan.com/MI/bill/SB0054/2015>
- 81. **MS:** <https://legiscan.com/MS>
- 82. **SB2022:** <https://legiscan.com/MS/bill/SB2022/2015>
- 83. **MT:** <https://legiscan.com/MT>
- 84. **HB330:** <https://legiscan.com/MT/bill/HB330/2015>

### Page 10

- 85. **NH:** <https://legiscan.com/NH>
- 86. **SB222:** <https://legiscan.com/NH/bill/SB222/2015>
- 87. **NM:** <https://legiscan.com/NM>
- 88. **HM81:** <https://legiscan.com/NM/bill/HM81/2015>
- 89. **SM91:** <https://legiscan.com/NM/bill/SM91/2015>
- 90. **NV:** <https://legiscan.com/NV>
- 91. **AB239:** <https://legiscan.com/NV/bill/AB239/2015>
- 92. **OR:** <https://legiscan.com/OR>
- 93. **HB2534:** <https://legiscan.com/OR/bill/HB2534/2015>
- 94. **RI:** <https://legiscan.com/RI>
- 95. **H5293:** <https://legiscan.com/RI/bill/H5293/2015>
- 96. **TN:** <https://legiscan.com/TN>
- 97. **HB0153:** <https://legiscan.com/TN/bill/HB0153/2015>
- 98. **TX:** <https://legiscan.com/TX>
- 99. **HB1481:** <https://legiscan.com/TX/bill/HB1481/2015>

### Page 11

- 100. **TX:** <https://legiscan.com/TX>
- 101. **HB3682:** <https://legiscan.com/TX/bill/HB3628/2015>
- 102. **HB2167:** <https://legiscan.com/TX/bill/HB2167/2015>
- 103. **AR:** <https://legiscan.com/AR>
- 104. **HB1079:** <https://legiscan.com/AR/bill/HB1079/2015>
- 105. **CO:** <https://legiscan.com/CO>
- 106. **SB059:** <https://legiscan.com/AR/bill/HB1079/2015>
- 107. **FL:** <https://legiscan.com/FL>
- 108. **S1178:** <https://legiscan.com/FL/bill/S1178/2015>
- 109. **H0979:** <https://legiscan.com/FL/bill/H0979/2015>
- 110. **ME:** <https://legiscan.com/ME>
- 111. **LD482:** <https://legiscan.com/ME/bill/LD482/2015>
- 112. **MS:** <https://legiscan.com/MS>
- 113. **HB347:** <https://legiscan.com/MS/bill/HB347/2015>

### Page 12

- 114. **MS:** <https://legiscan.com/MS>
- 115. **HB719:** <https://legiscan.com/MS/bill/HB719/2015>
- 116. **HB1260:** <https://legiscan.com/MS/bill/HB1260/2015>
- 117. **OR:** <https://legiscan.com/OR>
- 118. **SB393:** <https://legiscan.com/OR/bill/SB393/2015>
- 119. **HB3160:** <https://legiscan.com/OR/bill/HB3160/2015>
- 120. **TN:** <https://legiscan.com/TN>
- 121. **HB0759:** <https://legiscan.com/TN/bill/HB0759/2015>
- 122. **CA:** <https://legiscan.com/CA>
- 123. **SB170:** <https://legiscan.com/CA/bill/SB170/2015>
- 124. **AB56:** <https://legiscan.com/CA/bill/AB56/2015>
- 125. **SB271:** <https://legiscan.com/CA/bill/SB271/2015>

### Page 13

- 126. **CA:** <https://legiscan.com/CA>
- 127. **A856:** <https://legiscan.com/CA/text/AB856/2015>
- 128. **CO:** <https://legiscan.com/CO>
- 129. **HB1115:** <https://legiscan.com/CO/bill/HB1115/2015>
- 130. **SB00974:** <https://legiscan.com/CT/bill/SB00974/2015>

- 131. **GA:** <https://legiscan.com/GA>
- 132. **HR744:** <https://legiscan.com/GA/bill/HR744/2015>
- 133. **NC:** <https://legiscan.com/NC>
- 134. **S446:** <https://legiscan.com/NC/bill/S446/2015>
- 135. **NJ:** <https://legiscan.com/NJ>
- 136. **A1039:** <https://legiscan.com/NJ/bill/A1039/2014>
- 137. **NM:** <https://legiscan.com/NM>
- 138. **SB303:** <https://legiscan.com/NM/bill/SB303/2015>
- 139. **RI:** <https://legiscan.com/RI>
- 140. **H5292:** <https://legiscan.com/RI/bill/H5292/2015>

### Page 14

- 141. **CA:** <https://legiscan.com/CA>
- 142. **SB142:** <https://legiscan.com/CA/bill/SB142/2015>
- 143. **IL:** <https://legiscan.com/IL>
- 144. **SB0044:** <https://legiscan.com/IL/bill/SB0044/2015>
- 145. **AZ:** <https://legiscan.com/AZ>
- 146. **HB2659:** <https://legiscan.com/AZ/bill/HB2659/2015>
- 147. **CA:** <https://legiscan.com/CA>
- 148. **AB14:** <https://legiscan.com/CA/bill/AB14/2015>
- 149. **SB262:** <https://legiscan.com/CA/bill/SB262/2015>
- 150. **SB263:** <https://legiscan.com/CA/bill/SB263/2015>
- 151. **B142:** [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB142](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB142)
- 152. **SB167:** <https://legiscan.com/CA/bill/SB167/2015>

### Page 15

- 153. **CA:** <https://legiscan.com/CA>
- 154. **SJR18:** <https://legiscan.com/CA/bill/SJR18/2015>
- 155. **CT:** <https://legiscan.com/CT>
- 156. **SB00971:** <https://legiscan.com/CT/bill/SB00971/2015>
- 157. **SB00797:** <https://legiscan.com/CT/bill/SB00797/2015>
- 158. **HB05380:** <https://legiscan.com/CT/bill/HB05380/2015>
- 159. **DE:** <https://legiscan.com/DE>
- 160. **HB195:** <https://legiscan.com/DE/bill/HB195/2015>
- 161. **FL:** <https://legiscan.com/FL>
- 162. **H0649:** <https://legiscan.com/FL/bill/H0649/2015>
- 163. **GA:** <https://legiscan.com/GA>
- 164. **HB44:** <https://legiscan.com/GA/bill/HB44/2015>
- 165. **HB157:** <https://legiscan.com/GA/bill/HB157/2015>

### Page 16

- 166. **GA:** <https://legiscan.com/GA>
- 167. **HB5:** <https://legiscan.com/GA/bill/HB5/2015>
- 168. **HI:** <https://legiscan.com/HI>
- 169. **HB636:** <https://legiscan.com/HI/bill/HB636/2015>
- 170. **HR133:** <https://legiscan.com/HI/bill/HR133/2015>
- 171. **HCR196:** <https://legiscan.com/HI/bill/HCR196/2015>
- 172. **HB637:** <https://legiscan.com/HI/bill/HB637/2015>
- 173. **SB579:** <https://legiscan.com/HI/bill/SB579/2015>
- 174. **SB1329:** <https://legiscan.com/HI/bill/SB1329/2015>
- 175. **HB609:** <https://legiscan.com/HI/bill/HB609/2015>

### Page 17

- 176. **IA:** <https://legiscan.com/IA>
- 177. **SF67:** <https://legiscan.com/IA/bill/SF67/2015>
- 178. **IL:** <https://legiscan.com/IL>
- 179. **SB1371:** <https://legiscan.com/IL/bill/SB1371/2015>
- 180. **HB3996:** <https://legiscan.com/IL/bill/HB3996/2015>

- 181. **HB3421**: <https://legiscan.com/IL/bill/HB3421/2015>
- 182. **HB3699**: <https://legiscan.com/IL/bill/HB3699/2015>
- 183. **IN**: <https://legiscan.com/IN>
- 184. **SB0442**: <https://legiscan.com/IN/bill/SB0442/2015>
- 185. **KS**: <https://legiscan.com/KS>
- 186. **HB2397**: <https://legiscan.com/KS/bill/HB2397/2015>
- 187. **KY**: <https://legiscan.com/KY>
- 188. **HB12**: <https://legiscan.com/KY/bill/HB12/2015>

### Page 18

- 189. **KY**: <https://legiscan.com/KY>
- 190. **SB56**: <https://legiscan.com/KY/bill/SB56/2015>
- 191. **MA**: <https://legiscan.com/MA>
- 192. **S447**: <https://legiscan.com/MA/bill/S447/2015>
- 193. **S1835**: <https://legiscan.com/MA/bill/S1835/2015>
- 194. **H1322**: <https://legiscan.com/MA/bill/H1322/2015>
- 195. **MD**: <https://legiscan.com/MD>
- 196. **HB620**: <https://legiscan.com/MD/bill/HB620/2015>
- 197. **MI**: <https://legiscan.com/MI>
- 198. **SB0432**: <https://legiscan.com/MI/bill/SB0432/2015>
- 199. **SB0433**: <https://legiscan.com/MI/bill/SB0433/2015>
- 200. **MN**: <https://legiscan.com/MN>
- 201. **SF1792**: <https://legiscan.com/MN/bill/SF1792/2015>

### Page 19

- 202. **MN**: <https://legiscan.com/MN>
- 203. **HF986**: <https://legiscan.com/MN/bill/HF986/2015>
- 204. **SF685**: <https://legiscan.com/MN/bill/SF685/2015>
- 205. **SF686**: <https://legiscan.com/MN/bill/SF686/2015>
- 206. **SF1299**: <https://legiscan.com/MN/bill/SF1299/2015>
- 207. **HF786**: <https://legiscan.com/MN/bill/HF786/2015>
- 208. **HF1197**: <https://legiscan.com/MN/bill/HF1197/2015>
- 209. **HF1194**: <https://legiscan.com/MN/bill/HF1194/2015>
- 210. **HF1491**: <https://legiscan.com/MN/bill/HF1491/2015>

### Page 20

- 211. **MO**: <https://legiscan.com/MO>
- 212. **HB931**: <https://legiscan.com/MO/bill/HB931/2015>
- 213. **HB848**: <https://legiscan.com/MO/bill/HB848/2015>
- 214. **HB370**: <https://legiscan.com/MO/bill/HB370/2015>
- 215. **MT**: <https://legiscan.com/MT>
- 216. **HB586**: <https://legiscan.com/MT/bill/HB586/2015>
- 217. **HB278**: <https://legiscan.com/MT/bill/HB278/2015>
- 218. **HB593**: <https://legiscan.com/MT/bill/HB593/2015>
- 219. **NC**: <https://legiscan.com/NC>
- 220. **S446**: <https://legiscan.com/NC/bill/S446/2015>
- 221. **H4**: <https://legiscan.com/NC/bill/H4/2015>

### Page 21

- 222. **NC**: <https://legiscan.com/NC>
- 223. **S622**: <https://legiscan.com/NC/bill/S622/2015>
- 224. **NH**: <https://legiscan.com/nh>

- 225. **H602**: <https://legiscan.com/NH/bill/HB602/2015>
- 226. **HB240**: <https://legiscan.com/NH/bill/HB240/2015>
- 227. **NJ**: <https://legiscan.com/NJ>
- 228. **S2310**: <https://legiscan.com/NJ/bill/S2310/2014>
- 229. **A2147**: <https://legiscan.com/NJ/bill/A2147/2014>
- 230. **A4344**: <https://legiscan.com/NJ/bill/A4344/2014>
- 231. **A534**: <https://legiscan.com/NJ/bill/A534/2014>
- 232. **A1164**: <https://legiscan.com/NJ/bill/A1164/2014>

### Page 22

- 233. **NM**: <https://legiscan.com/NM>
- 234. **SB82**: <https://legiscan.com/NM/bill/SB82/2015>
- 235. **NY**: <https://legiscan.com/NY>
- 236. **A06713**: <https://legiscan.com/NY/bill/A06713/2015>
- 237. **A05435**: <https://legiscan.com/NY/bill/A05435/2015>
- 238. **S01249**: <https://legiscan.com/NY/bill/S01249/2015>
- 239. **A02683**: <https://legiscan.com/NY/bill/A02683/2015>
- 240. **S01841**: <https://legiscan.com/NY/bill/S01841/2015>
- 241. **A03597**: <https://legiscan.com/NY/bill/A03597/2015>
- 242. **S00411**: <https://legiscan.com/NY/bill/S00411/2015>

### Page 23

- 243. **NY**: <https://legiscan.com/NY>
- 244. **A01247**: <https://legiscan.com/NY/bill/A01247/2015>
- 245. **OH**: <https://legiscan.com/OH>
- 246. **HB218**: <https://legiscan.com/OH/bill/HB218/2015>
- 247. **HB228**: <https://legiscan.com/OH/bill/HB228/2015>
- 248. **OK**: <https://legiscan.com/OK>
- 249. **HB1295**: <https://legiscan.com/OK/bill/HB1295/2015>
- 250. **SB503**: <https://legiscan.com/OK/bill/SB503/2015>
- 251. **SB492**: <https://legiscan.com/OK/bill/SB492/2015>
- 252. **PA**: <https://legiscan.com/PA>
- 253. **HR295**: <https://legiscan.com/PA/bill/HR295/2015>
- 254. **SB971**: <https://legiscan.com/PA/bill/SB971/2015>

### Page 24

- 255. **RI**: <https://legiscan.com/RI>
- 256. **H5454**: <https://legiscan.com/RI/bill/H5454/2015>
- 257. **S0179**: <https://legiscan.com/RI/bill/S0179/2015>
- 258. **H5453**: <https://legiscan.com/RI/bill/H5453/2015>
- 259. **SC**: <https://legiscan.com/SC>
- 260. **S0498**: <https://legiscan.com/SC/bill/S0498/2015>
- 261. **H3510**: <https://legiscan.com/SC/bill/H3510/2015>
- 262. **TN**: <https://legiscan.com/TN>
- 263. **HB0486**: <https://legiscan.com/TN/bill/HB0486/2015>
- 264. **SB0991**: <https://legiscan.com/TN/bill/SB0991/2015>
- 265. **TX**: <https://legiscan.com/TX>
- 266. **HB3429**: <https://legiscan.com/TX/bill/HB3429/2015>

### Page 25

- 267. **HB4043**: <https://legiscan.com/TX/bill/HB4043/2015>



**Indianapolis Office**

3601 Vincennes Road  
Indianapolis, IN 46268  
Telephone: 317.875.5250  
Fax: 317.879.8408

**Washington D.C. Office**

122 C Street N.W.  
Suite 540  
Washington, D.C. 20001  
Telephone: 202.628.1558  
Fax: 202.628.1601



**NAMIC**<sup>®</sup>  
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES

[www.namic.org](http://www.namic.org)

