

HOUSE BILL NO. 1493

Introduced by

Representatives Simons, Bellew, Hoverson, Johnston, Paur, Toman, Vetter

Senator Kannianen

1 A BILL for an Act to create and enact a new section to chapter 29-29.4 of the North Dakota
2 Century Code, relating to private property rights and unmanned aerial vehicle systems; to
3 amend and reenact section 29-29.4-01 of the North Dakota Century Code, relating to
4 definitions; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 29-29.4-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **29-29.4-01. Definitions.**

9 As used in this chapter:

- 10 1. "Flight data" means imaging or other observation recording.
- 11 2. "Flight information" means flight duration, flight path, and mission objective.
- 12 3. "Law enforcement agency or agents" has the meaning provided for law enforcement
13 officer in section 12.1-01-04.
- 14 4. "Operator" means an individual exercising control over an unmanned aerial vehicle
15 system during flight.
- 16 5. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the
17 possibility of direct human intervention within or on the aerial vehicle. The term does
18 not include satellites.
- 19 5-6. "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated
20 elements, including communication links and the components that control the
21 unmanned aerial vehicle, which are required for the pilot in command to operate safely
22 and efficiently in state airspace.

23 **SECTION 2.** A new section to chapter 29-29.4 of the North Dakota Century Code is created
24 and enacted as follows:

1 **Prohibited use of an unmanned aerial vehicle system - Penalty.**

2 1. Except as authorized by this chapter, an individual may not willfully operate an
3 unmanned aerial vehicle system:

4 a. To capture or take photographs, images, video, or audio of another individual or
5 the private property of another individual, without that individual's consent, in a
6 manner that would invade the individual's reasonable expectation of privacy,
7 including capturing or recording through a window;

8 b. To view, follow, or contact another individual or the private property of another
9 individual, without the individual's consent, in a manner that would invade the
10 individual's reasonable expectation of privacy, including viewing, following, or
11 contacting through a window;

12 c. To chase, actively disturb, or otherwise harass or frighten livestock or any other
13 domestic animal owned by another individual;

14 d. To harass another individual;

15 e. Within a distance that would violate a disorderly conduct restraining order, an
16 order prohibiting contact, or a sexual assault restraining order;

17 f. In a manner that disregards the safety of another individual or property; or

18 g. In a manner that interferes with the official duties of law enforcement personnel or
19 emergency medical personnel.

20 2. An individual who violates subsection 1 is guilty of a:

21 a. Class B misdemeanor for a violation of subdivisions a, b, or c; or

22 b. Class A misdemeanor for a violation of subdivisions d, e, f, and g.

23 3. An individual who equips an unmanned aerial vehicle system with any deadly weapon
24 or operates an unmanned aerial vehicle system equipped with any deadly weapon,
25 other than for military or law enforcement purposes is guilty of a class A misdemeanor.

26 a. A violation of this subsection is a class C felony if the individual willfully operates
27 an unmanned aerial vehicle system and the unmanned aerial vehicle system fires
28 a bullet or projectile.

29 b. A violation of this subsection is a class B felony if the individual willfully operates
30 an unmanned aerial vehicle system and the unmanned aerial system:

1 (1) Fires a bullet or projectile that causes serious physical injury to another
2 individual; or

3 (2) Is specifically designed or modified to cause serious bodily injury, and the
4 design or modification causes serious bodily injury to another individual.

5 4. An individual who operates an unmanned aerial vehicle system with the intent to
6 cause damage to or disrupt the flight of a manned aircraft is guilty of a class C felony.

7 5. An individual who is the subject of any photograph, image, video, or audio recording
8 taken in violation of subdivision a of subsection 1 has a civil cause of action against
9 the operator of the unmanned aerial vehicle system who took the photograph, image,
10 video, or audio recording for the purpose of publishing or otherwise disseminating the
11 photograph, image, video, or audio recording. In lieu of actual damages, the individual
12 who is the subject of the photograph, image, video, or audio recording may recover
13 five thousand dollars for each photograph, image, video, or audio recording published
14 or otherwise disseminated, as well as reasonable court costs, attorney's fees, and
15 injunctive or other relief as determined by the court.

16 6. An individual who is the subject of any other prohibited conduct under subsection 1
17 has a civil cause of action against the operator of the unmanned aerial vehicle and is
18 entitled to recover damages from the operator in the amount of one thousand dollars
19 or actual damages, whichever is greater. The individual also is entitled to reasonable
20 court costs, attorney's fees, and injunctive or other relief as determined by the court.

21 7. An individual authorized by the federal aviation administration to operate an
22 unmanned aerial vehicle system for commercial purposes may operate an unmanned
23 aerial vehicle system in this state if the unmanned aerial vehicle system is operated in
24 a manner consistent with federal law and this chapter.