

REFERENCE TITLE: **unmanned aircraft; photography; loitering prohibited**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1277

Introduced by
Senator Kern

AN ACT

AMENDING SECTION 13-3729, ARIZONA REVISED STATUTES; RELATING TO THE
UNLAWFUL OPERATION OF MODEL OR UNMANNED AIRCRAFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3729, Arizona Revised Statutes, is amended to
3 read:

4 13-3729. Unlawful operation of model or unmanned aircraft;
5 state preemption; classification; definitions

6 A. It is unlawful for a person to operate a model aircraft or a
7 civil unmanned aircraft if the operation:

8 1. Is prohibited by a federal law or regulation that governs
9 aeronautics, including federal aviation administration regulations.

10 2. Interferes with a law enforcement, firefighter or emergency
11 services operation.

12 B. It is unlawful for a person to operate or use an unmanned
13 aircraft or unmanned aircraft system to intentionally photograph or loiter
14 over or near EITHER OF THE FOLLOWING:

15 1. A critical facility in the furtherance of any criminal offense.

16 2. A RESIDENTIAL STRUCTURE.

17 C. Except as authorized by law, a city, town or county may not
18 enact or adopt any ordinance, policy or rule that relates to the ownership
19 or operation of an unmanned aircraft or unmanned aircraft system or
20 otherwise engage in the regulation of the ownership or operation of an
21 unmanned aircraft or an unmanned aircraft system. Any ordinance, policy
22 or rule that violates this subsection, whether enacted or adopted by the
23 city, town or county before or after August 6, 2016, is void.

24 D. ~~SUBSECTION A AND SUBSECTION B, PARAGRAPH 1 OF~~ this section ~~does~~
25 ~~DO~~ not ~~apply~~

26 ~~to~~ apply to a person or entity that is authorized or allowed by the
27 federal aviation administration to operate or use an unmanned aircraft
28 system if the person's or entity's operation or use complies with the
29 authorization granted to the person or entity or with federal aviation
30 administration rules.

31 E. ~~SUBSECTION B, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO A~~
32 ~~PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE RESIDENTIAL~~
33 ~~STRUCTURE OWNER OR LEASEE TO OPERATE OR USE AN UNMANNED AIRCRAFT OR~~
34 ~~UNMANNED AIRCRAFT SYSTEM.~~

35 F. THIS SECTION DOES NOT:

36 ~~to~~ 1. Prohibit a city, town or county from enacting or adopting
37 ordinances or rules on the operation or use of a public unmanned aircraft
38 that is owned by the city, town or county.

39 ~~to~~ 2. Prohibit a city, town or county from enacting or adopting
40 ordinances or rules that regulate the takeoff or landing of a model
41 aircraft in a park or preserve owned by the city, town or county if:

42 (a) There are other parks or preserves that are within the city,
43 town or county and that are available for model aircraft operation.

44 (b) The city, town or county only has one park or preserve that is
45 within the city, town or county.

1 ~~F.~~ 3. Apply to the operation of an unmanned aircraft, including a
2 public unmanned aircraft, by a first responder as defined in section
3 36-661 while acting in the first responder's official capacity or an
4 emergency worker while engaged in or supporting authorized emergency
5 management activities or performing emergency functions pursuant to title
6 26, chapter 2.

7 ~~F.~~ G. A violation of subsection B of this section is a class 6
8 felony, except that a second or subsequent violation is a class 5 felony.
9 A violation of subsection A of this section is a class 1 misdemeanor.

10 ~~F.~~ H. For the purposes of this section:

11 1. "Civil unmanned aircraft" means an unmanned aircraft or unmanned
12 aircraft system that is operated by a person for any purpose other than
13 strictly for hobby or recreational purposes, including commercial
14 purposes, or in furtherance of or incidental to any business or media
15 service or agency.

16 2. "Commercial purposes" means the use of an unmanned aircraft in
17 return for financial compensation and includes aerial photography, aerial
18 mapping or geospatial imaging.

19 3. "Critical facility" means any of the following:

- 20 (a) A petroleum or alumina refinery.
- 21 (b) A petroleum, chemical or rubber production, transportation,
22 storage or processing facility.
- 23 (c) A chemical manufacturing facility.
- 24 (d) A water or wastewater treatment facility and water development,
25 distribution or conveyance system, including a dam.
- 26 (e) An electric generation facility, as defined in section
27 42-14156, and any associated substation or switchyard.
- 28 (f) An electrical transmission or distribution substation.
- 29 (g) An electrical transmission line of at least sixty-nine thousand
30 volts.
- 31 (h) An electronic communication station or tower.
- 32 (i) An energy control center.
- 33 (j) A distribution operating center.
- 34 (k) A facility that transfers or distributes natural gas, including
35 a compressor station, regulator station, city gate station or pressure
36 limiting station or a liquefied natural gas facility or supplier tap
37 facility.
- 38 (l) Any railroad infrastructure or facility.
- 39 (m) A federal, state, county or municipal court.
- 40 (n) A public safety or emergency operation facility.
- 41 (o) A federal, state, county or municipal jail or prison or other
42 facility in which persons are incarcerated.
- 43 (p) A federal or state military installation or facility.
- 44 (q) A hospital that receives air ambulance services.

1 4. "Model aircraft" has the same meaning prescribed in section 336
2 of the FAA modernization and reform act of 2012 (P.L. 112-95), as amended.

3 5. "Person" means a corporation, firm, partnership, association,
4 individual or organization or any other group acting as a unit.

5 6. "Public unmanned aircraft" means an unmanned aircraft or
6 unmanned aircraft system that is operated by a public agency for a
7 government-related purpose.

8 7. "Unmanned aircraft" means an aircraft, including an aircraft
9 commonly known as a drone, that is operated without the possibility of
10 direct human intervention from within or on the aircraft.

11 8. "Unmanned aircraft system" means an unmanned aircraft and
12 associated elements, including any communication links and components that
13 control the unmanned aircraft.