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HOUSE BILL 2178

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Morris and Morrell

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1 AN ACT Relating to unmanned aircraft; adding a new chapter to Title  
2 14 RCW; prescribing penalties; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that technological  
5 developments in unmanned aircraft have expanded the vehicles' capacity  
6 to be widely deployed in our state and in our communities. The  
7 legislature further finds that the recreational use of certain small  
8 unmanned aircraft is exempt from federal regulation under the federal  
9 aviation administration modernization and reform act of 2012. The  
10 potential for these small unmanned aircraft to be operated in close  
11 proximity to human dwellings and activities presents opportunities for  
12 widespread recreational use and enjoyment. At the same time, the  
13 recreational use of unmanned aircraft increases the likelihood of  
14 physical trespass onto private property and invasions of personal  
15 privacy. The legislature intends to prohibit the unauthorized use of  
16 unmanned aircraft in the airspace above private property.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply  
18 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Person" includes any individual, corporation, partnership,  
2 association, cooperative, limited liability company, trust, joint  
3 venture, or any other legal or commercial entity and any successor,  
4 representative, agent, agency, or instrumentality thereof.

5 (2) "Personal information" means any information that: (a)  
6 Describes, locates, or indexes anything about an individual including,  
7 but not limited to, his or her social security number, driver's license  
8 number, agency-issued identification number, student identification  
9 number, real or personal property holdings derived from tax returns,  
10 and his or her education, financial transactions, medical history,  
11 ancestry, religion, political ideology, or criminal or employment  
12 record; or (b) affords a basis for inferring personal characteristics,  
13 such as finger and voice prints, photographs, or things done by or to  
14 such individual, and the record of his or her presence, registration,  
15 or membership in an organization or activity, or admission to an  
16 institution.

17 (3)(a) "Sensing device" means a device capable of acquiring  
18 personal information from its surroundings through any means including,  
19 but not limited to, cameras, thermal detectors, microphones, chemical  
20 detectors, radiation gauges, and wireless receivers in any frequency.

21 (b) "Sensing device" does not include equipment whose sole function  
22 is to provide information directly necessary for safe air navigation or  
23 piloting of an unmanned aircraft.

24 (4) "Unmanned aircraft" means an aircraft that is operated without  
25 physical human presence on board the aircraft and operated either:

26 (a) Pursuant to the exemption for recreational uses established in  
27 the special rule for model aircraft of the federal aviation  
28 administration modernization and reform act of 2012 (49 U.S.C. 40101  
29 Sec. 336, "special rule for model aircraft"); or

30 (b) Without an experimental airworthiness certificate or other  
31 authorization by the federal aviation administration.

32 (5) "Washington state airspace" means all airspace within the  
33 territorial limits of this state that is within class G airspace,  
34 outside of five statute miles from any airport, heliport, seaplane  
35 base, spaceport, or other location with aviation activities, and not  
36 otherwise classified as controlled by the federal aviation  
37 administration.

1        NEW SECTION.    **Sec. 3.**    (1) Except as provided in section 4 of this  
2 act, no person may operate in Washington state airspace an unmanned  
3 aircraft that is equipped with a sensing device.

4        (2) A violation of this section is a gross misdemeanor.

5        NEW SECTION.    **Sec. 4.**    The prohibition under section 3 of this act  
6 does not apply to the operation of an unmanned aircraft that is  
7 equipped with a sensing device if the following conditions are met:

8        (1) The unmanned aircraft is clearly and conspicuously labeled with  
9 the name and contact information of the aircraft's owner and operator;  
10 and

11        (2) The unmanned aircraft is flown in Washington state airspace  
12 above private property, and the landowner and any tenants who have a  
13 right to occupy the property have consented to the operation after  
14 having received actual notice that the aircraft is equipped with a  
15 sensing device; or

16        (3) The unmanned aircraft is flown in the airspace above public  
17 lands in a manner that does not unreasonably interfere with the rights  
18 of others and the operation is not otherwise prohibited by law or rule.

19        NEW SECTION.    **Sec. 5.**    Any person operating an unmanned aircraft in  
20 the airspace of this state is liable for all damages that state or  
21 local government property may sustain as a result of illegal or  
22 negligent operation of the unmanned aircraft. When the operator is not  
23 the owner of the unmanned aircraft but is operating or moving it with  
24 the express or implied permission of the owner, the owner and the  
25 operator are jointly and severally liable for any damage. Damage to  
26 any state or local government property may be recovered in a civil  
27 action instituted in the name of the state of Washington by the  
28 department of transportation or other affected government agency. Any  
29 measure of damage determined by the state or local government to its  
30 property under this section is prima facie the amount of damage caused  
31 thereby and is presumed to be the amount recoverable in any civil  
32 action therefor. The damages available under this section include the  
33 incident response costs, including traffic control, incurred by the  
34 department of transportation or other state or local agency.

1        NEW SECTION.    **Sec. 6.**    Nothing in this chapter may be construed to  
2    limit a party's ability to bring an action, including an action for  
3    damages, based on rights conferred by other state or federal law.

4        NEW SECTION.    **Sec. 7.**    Sections 1 through 6 of this act constitute  
5    a new chapter in Title 14 RCW.

6        NEW SECTION.    **Sec. 8.**    This act is necessary for the immediate  
7    preservation of the public peace, health, or safety, or support of the  
8    state government and its existing public institutions, and takes effect  
9    immediately.

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