

HOUSE BILL REPORT

EHB 1031

As Passed House:
February 8, 2018

Title: An act relating to the use of unmanned aerial systems near certain protected marine species.

Brief Description: Concerning the use of unmanned aerial systems near certain protected marine species.

Sponsors: Representatives Lytton, Morris, Tarleton, Fitzgibbon, Springer, Gregerson and Hudgins.

Brief History:

Committee Activity:

Technology & Economic Development: 1/17/17, 1/23/18, 1/24/18 [DP].

Floor Activity:

Passed House: 2/8/18, 67-31.

Brief Summary of Engrossed Bill

- Adds unmanned aerial systems to the types of objects prohibited from approaching a southern resident orca whale.
- Adds a definition for unmanned aerial systems.

HOUSE COMMITTEE ON TECHNOLOGY & ECONOMIC DEVELOPMENT

Majority Report: Do pass. Signed by 13 members: Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio, Fey, Hudgins, McDonald, Santos, Slatter, Steele and Wylie.

Minority Report: Do not pass. Signed by 2 members: Representatives Manweller and Nealey.

Minority Report: Without recommendation. Signed by 2 members: Representatives Harmsworth and Young.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Lily Smith (786-7175).

Background:

Unmanned aerial systems (UAS), often referred to as drones, are aircraft without a human pilot on board. The flight is controlled either autonomously by computers, or under remote control by a pilot. There are no Washington laws that specifically regulate UAS.

The federal government has broad authority to regulate the use of airspace, and in 2016 finalized the first rules governing the operation and certification of small civil unmanned aircrafts under 55 pounds. The rules do not apply to UAS flown for recreational purposes, which are exempt from federal regulation if they meet certain criteria.

Southern resident orca whales are the only known resident population in the United States, and are listed as an endangered species under federal and state law. According to the National Oceanic and Atmospheric Administration, the current population of southern resident orca whales is approximately 76.

It is unlawful to conduct various activities in proximity to a southern resident orca whale, including causing a vessel or other object to approach within 200 yards. A "vessel" includes aircraft on the water surface and watercraft capable of being used for transportation. It does not include inner tubes, air mattresses, sailboards, small rafts, or flotation devices or toys usually used by swimmers. Exempted activities include, but are not limited to, permitted scientific research and operating a government vessel when engaged in certain official duties. A violation of this provision is a natural resource infraction enforced by the state Department of Fish and Wildlife, with a penalty of \$500 and statutory assessments.

Summary of Engrossed Bill:

"UAS" are added to the types of objects prohibited from approaching a southern resident orca whale.

Approaching within 200 yards is specified as measured in any direction, including vertically.

It is not a violation if a UAS approaches a southern resident orca whale solely by virtue of the UAS being in active transit to an unrelated destination.

"UAS" is defined as an aircraft that is operated without the possibility of human intervention from on or within the aircraft, and any hardware or software associated with its operation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

See Committee Records from 2017 Legislative Session.

Persons Testifying:

See Committee Records from 2017 Legislative Session.

Persons Signed In To Testify But Not Testifying:

See Committee Records from 2017 Legislative Session.