

---

**Innovation, Technology & Economic  
Development Committee**

---

**HB 1341**

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

**Sponsors:** Representatives Hudgins, Morris, Tarleton, Doglio and Kloba.

**Brief Summary of Bill**

- Adds a definition for unmanned aerial systems.
- Adds unmanned aerial systems to the types of objects that are currently prohibited from approaching a southern resident orca whale.
- Creates an exemption to the prohibited approach when an unmanned aerial system is in active transit to an unrelated destination.

**Hearing Date:** 1/30/19

**Staff:** Yelena Baker (786-7301).

**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 aircraft 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 orca whale population in the United States. They are listed as an endangered species both by the Washington Fish & Wildlife

---

*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.*

Commission and under the federal Endangered Species Act, and their current number is estimated to be 75. Identified threats to the whales include food scarcity, exposure to toxic pollutants, and vessel presence and noise.

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 & Wildlife, with a penalty of \$500 and statutory assessments.

**Summary of Bill:**

"Unmanned aerial system" (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.

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.

**Appropriation:** None.

**Fiscal Note:** Available.

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