

Amendment to HB 468-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 New Section; Unlawful Operation or Use of Unmanned Aircraft Systems. Amend RSA 644 by  
4 inserting after section 22 the following new section:

5 644:23 Unlawful Operation or Use of Small Unmanned Aircraft System.

6 I. As used in this section:

7 (a) "Aircraft" shall mean "aircraft" as it is defined in RSA 422:3, VI.

8 (b) "Operation" or "operate" shall mean "operation of aircraft" or "operate aircraft" as  
9 those terms are defined in RSA 422:3, XXII.

10 (c) "Small unmanned aircraft" shall mean "small unmanned aircraft" as it is defined in  
11 RSA 422:3, XXVII-a.

12 (d) "Small unmanned aircraft system" shall mean "small unmanned aircraft system" as  
13 it is defined in RSA 422:3, XXVII-b.

14 II. A person is guilty of a violation for a first offense, and a misdemeanor for a second or  
15 subsequent offense, if such person operates a small unmanned aircraft system in violation of laws  
16 and regulations of the Federal Aviation Administration (FAA), including but not limited to 14 C.F.R.  
17 part 107.

18 III. A person is guilty of a misdemeanor if such a person operates a small unmanned aircraft  
19 system that interferes with law enforcement, firefighting, or other emergency response operations,  
20 or violates any provisions of RSA 644:9. News media personnel are exempt from this provision as  
21 long as they:

22 (a) Comply with FAA Small Unmanned Aircraft Systems Rule, 14 C.F.R. part 107;

23 (b) Possess a valid FAA-issued certificate of waiver or authorization (COA) for the  
24 operation of a drone for news gathering purposes;

25 (c) Do not operate the drone in any way that jeopardizes the safety of law enforcement,  
26 other emergency response personnel in the performance of their duties, or others on the ground; and

27 (d) Follow directives from the agency in charge of the scene, including requests to alter  
28 or cease operations.

29 IV. A person is guilty of:

30 (a) A class A misdemeanor if such person negligently operates a small unmanned  
31 aircraft system in a manner so as to interfere with or disrupt the flight of a human-occupied aircraft,

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1 or otherwise impede the normal course of operations of any international, regional, municipal, or  
2 general aviation airport.

3 (b) A class B felony if such operation results in damage to a human-occupied aircraft in  
4 flight.

5 (c) A class A felony if such operation causes said aircraft to crash and such crash results  
6 in death or serious bodily injury.

7 V. A person is guilty of a misdemeanor if such a person operates a small unmanned aircraft  
8 system in FAA-restricted airspace over the property of a federal, state, or county correctional, penal,  
9 or detention facility, and a class B felony if such operation is done with the purpose of delivering  
10 contraband into the facility or to aid in the escape of a prisoner.

11 VI. A person is guilty of a class B felony if such person is knowingly in possession of or  
12 operates a small unmanned aircraft system equipped with a device capable of causing serious bodily  
13 injury, death, or property damage or is otherwise capable of firing or releasing a projectile. Federal,  
14 state, and municipal public safety bomb squad personnel are exempted from this provision for the  
15 limited purpose of use of a small unmanned aircraft system for the disposal of explosives, bombs,  
16 and hazardous devices. Law enforcement's use of a small unmanned aircraft system to deploy  
17 distraction or disorientation devices is exempt from this provision.

18 VII. This provision shall not apply to any law enforcement officer acting pursuant to his or  
19 her lawful authority.