HB 434-FN - AS INTRODUCED

2023 SESSION

23-0352
10/04

HOUSE BILL ***434-FN***

AN ACT relative to flying drones in state parks.

SPONSORS: Rep. Post, Hills. 42; Rep. Ammon, Hills. 42

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows for the commercial and recreational use of drones or small unmanned aircraft in state parks subject to exceptions and limitations. The bill also establishes fees and authorizes fines to be assessed for violations.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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23-0352
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to flying drones in state parks.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; State Park System; Use of Drones in State Parks. Amend RSA 216-A by inserting after section 2 the following new section:

216-A:2-a Use of Drones in State Parks. A drone or small unmanned aircraft shall be permitted to operate in a state park, provided the operator is a person who possesses either a Federal Aviation Administration 14 C.F.R. Part 107 certificate or has passed the Recreational UAS Safety Test (TRUST).

I. The operator shall be permitted to launch and land small unmanned aircraft in state parks for commercial purposes as permitted under 14 C.F.R. part 107 and for recreational purposes as permitted under 49 U.S.C. section 44809, as amended, with the following exceptions where operation shall not be permitted:

(a) If the manner of flight intentionally interferes with the reasonable use and enjoyment of the park by other park users.

(b) Within the bounds of Cannon Mountain ski area during operating hours of ski season.

(c) Within the bounds of Flume Gorge during May through October (inclusive).

II. The commissioner may waive any exceptions in paragraph I for good cause.

III. A person who launches a small unmanned aircraft governed by this section shall be fully liable for injury or property damage negligently caused by their small unmanned aircraft.

IV. A person shall be responsible for the retrieval of their small unmanned aircraft which has launched from outside the state park and has landed in a state park. If the small unmanned aircraft system lands in an inaccessible location, the pilot shall notify a park official and may be assessed a retrieval fee of not more than $100, as established in rules of the department.

V. No person shall use a small unmanned aircraft system with the intent to conduct video surveillance of private citizens in state parks without prior written consent of the persons being surveilled.

VI. Notwithstanding the provisions of RSA 216-A: 3-g, persons operating the small unmanned aircraft for commercial purposes under 14 C.F.R. Part 107 may be assessed a fee by the department of natural and cultural affairs for each day of flight, not to exceed $25 per day and payable after the flight if immediate payment options are not made available by the commissioner. The commissioner shall adopt rules under RSA 541-A only for the assessment and payment of fees for operators of small unmanned aircraft for commercial purposes.

VII. Any person who violates the provisions of this section may be fined by the commissioner a sum not to exceed $300, provided that a person who fails to retrieve a landed small unmanned aircraft may be fined not more than $100. Fines collected shall be credited to the state park fund.

2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0352
1/4/23

HB 434-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to flying drones in state parks.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[ ] General [ ] Education [ ] Highway [X] Other - State Park Fund			

METHODOLOGY:

This bill would require the Department of Natural and Cultural Resources, Division of Parks and Recreation (DPR) to allow commercial and recreational drone operations in state parks with certain exceptions. The bill allows commercial operators to be charged $25/day. The DPR could charge a maximum of $100 for the staff to retrieve a drone. Operators who fail to retrieve their drone may be fined a maximum of $100. Other drone-related violations are fined at a maximum of $300.

The Department of Natural and Cultural Resources states the fiscal impact is indeterminable as it is unknown how many commercial drone users will fly drones in state parks for $25/day or how many drone violations may occur in where fines may be assessed. The Department also states there may be an indeterminable impact to revenues as park visitors and campers may decide to camp elsewhere due to sound, safety, and privacy concerns. Lastly, the Department expenditures may increase due to additional costs for administering the additional collection of the fines and fees.

AGENCIES CONTACTED:

Department of Natural and Cultural Resources