

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 3005**

BY DELEGATES FAST, HANSHAW, OVERINGTON,

KESSINGER AND GEARHEART

[Passed March 7, 2018; in effect ninety days from passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems;  
3 defining terms; creating misdemeanor criminal offense for certain conduct using an  
4 unmanned aircraft system and setting penalties therefor; creating felony criminal offense  
5 for operating an unmanned aircraft system equipped with a lethal weapon, creating an  
6 exception thereto for military purposes in an official capacity; and setting penalties  
7 therefor; creating felony criminal offense for operating an unmanned aircraft system with  
8 the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting  
9 penalties therefor; and creating an exception for operating an unmanned aircraft system  
10 for commercial purposes that is authorized by the Federal Aviation Administration in a  
11 manner that is consistent with federal law.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 14. USE OF UNMANNED AIRCRAFT SYSTEMS.**

**§61-14-1. Definitions.**

1 As used in this article:  
2 (1) "Aircraft" means any device now known or subsequently invented, used, or designed  
3 for flight in the air, including, but not limited to, unmanned aircraft vehicles or systems;  
4 (2) "Unmanned aircraft system" or "system" means an aircraft that is operated without  
5 direct human intervention from inside or on the aircraft and includes the crewmember, the  
6 associated support equipment, the control station, data links, telemetry, communications, and  
7 navigation equipment necessary to operate the unmanned aircraft, including, but not limited to,  
8 drones;  
9 (3) "Unmanned aircraft system operator" or "operator" means a person exercising control  
10 over an unmanned aircraft system during flight.

**§ 61-14-2. Prohibited use of an unmanned aircraft system; criminal penalties.**

1           (a) Except as authorized by the provisions of this article, a person may not operate an  
2 unmanned aircraft system:

3           (1) To knowingly and intentionally capture or take photographs, images, video, or audio of  
4 another person or the private property of another, without the other person's permission, in a  
5 manner that would invade the individual's reasonable expectation of privacy, including, but not  
6 limited to, capturing, or recording through a window;

7           (2) To knowingly and intentionally view, follow, or contact another person or the private  
8 property of another without the other person's permission in a manner that would invade the  
9 individual's reasonable expectation of privacy, including, but not limited to, viewing, following, or  
10 contacting through a window;

11           (3) To knowingly and intentionally harass another person;

12           (4) To violate a restraining order or similar judicial order;

13           (5) To act with a willful wanton disregard for the safety of persons or property; or

14           (6) To knowingly and intentionally operate an unmanned aircraft system in a manner that  
15 interferes with the official duties of law enforcement personnel or emergency medical personnel.

16           (b) Any person violating the provisions of subsection (a) of this section is guilty of a  
17 misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than  
18 \$1,000 or confined in jail for not more than one year, or both fined and confined.

19           (c) Any person who equips an unmanned aircraft system with any deadly weapon or  
20 operates any unmanned aircraft system equipped with any deadly weapon, other than for military  
21 in an official capacity, is guilty of a felony and, upon conviction thereof, shall be fined not less than  
22 \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one nor  
23 more than five years, or both fined and imprisoned.

24           (d) Any person who operates an unmanned aircraft system with the intent to cause  
25 damage to or disrupt in any way the flight of a manned aircraft is guilty of a felony and, upon

26 conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 imprisoned for not  
27 less than one nor more than five years, or both fined and imprisoned.

28 (e) A person that is authorized by the Federal Aviation Administration to operate  
29 unmanned aircraft systems for commercial purposes may operate an unmanned aircraft system  
30 in this state for such purposes if the unmanned aircraft system is operated in a manner consistent  
31 with federal law.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2018.

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*Governor*